

**TOWN OF EAST FISHKILL
PLANNING BOARD MEETING**

AUGUST 9, 2022

Planning Board Chairperson John Eickman called the meeting to order.

CHAIRPERSON COMMENTS:

- a. Mr. Eickman began the Meeting with The Pledge of Allegiance.
- b. Mr. Eickman announced that the Upcoming Meeting Dates are:
A Special meeting to be held on August 22, 2022, and the regular scheduled meetings on September 13, 2022, and October 11, 2022.
- c. Approval of Minutes of Meetings Held June 21, 2022, and July 12, 2022:

MOTION made by Richard Campbell, seconded by Ed Miyoshi, to approve the Minutes of Meeting Held June 21, 2022. Voted and carried. Lori Gee abstained.

MOTION made by Richard Campbell, seconded by Lori Gee, to approve the Minutes of Meeting Held July 12, 2022. Voted and carried unanimously.

- d. Roll Call:

Members present were Don Papae, Craig Arco, Lori Gee, John Eickman, Richard Campbell, Ed Miyoshi and Sarah Bledsoe.

Town Consultants present were: Michelle Robbins, Town Planner, Michael Cunningham, Esq., Town Attorney, Scott Bryant, Town Engineer and Christian Moore, Engineer, CPL.

Jackie Keenan, Planning Board Clerk, Matt Rickett, Zoning Administrator, and Kathleen Mahodil, Meeting Secretary, were also present.

DECLARE LEAD AGENCY:

- 1. #2022 – 030 - Thom Subdivision, 87 Stormville Road (6557-02-628790)**

Applicant has submitted for a 3-lot subdivision on 6.79 acres in a R-1 Zone.

Michael E. Gillespie, M. Gillespie & Associates, PLLC was present.

MOTION made by Sarah Bledsoe, seconded by Ed Miyoshi to Declare the East Fishkill Planning Board as Lead Agency for the Thom Subdivision. Voted and carried unanimously.

Mr. Gillespie stated that they had circulated for Lead Agency, were before the Board last month and now the Planning Board is Lead Agency. He said there were a couple of modifications being looked at, which included adding an easement to the flag portion, for Lot #3 in the back, to allow for future maintenance and the driveway has been staked in order to allow the highway superintendent and Town Engineer to go out and take a look. He said that tonight they were looking to move forward with setting a Hearing.

Mr. Eickman asked if there were any comments by the Members or Professionals. Mr. Bryant said he had stopped at the site. At the last meeting the setback was brought up for the existing barn and if there was enough room for future maintenance. Mr. Gillespie said a variance had been obtained from the Zoning Board for 24 ft and 25 ft was needed. He did not think the metes and bounds were yet available, but said an easement was provided in the back, to allow the Lot 2 owner to come on the property for maintenance and this is shown on the plan.

Mr. Eickman asked Mr. Gillespie if he would be prepared if a Public Hearing was set for September 13th and he replied Yes that he would.

1
2
3 **MOTION made by Craig Arco, seconded by Sarah Bledsoe, for a Public Hearing to be**
4 **held on September 13, 2022, for the Thom Subdivision. Voted and carried**
5 **unanimously.**
6
7
8
9

10
11
12 ***DISCUSSION:***
13

14
15 **2. #2021– 018 – Tucker Trails Subdivision, Route 52/Route 216 (6557-04-579147)**
16

17 Applicant is proposing a six-lot subdivision near the intersection of Route 52 and
18 Route 216.
19

20 **Michael E. Gillespie, M. Gillespie & Associates, PLLC was present.**
21

22 Mr. Gillespie displayed the plan, stating that this was before the Board last month, there had been
23 an issue with the classification of the wetlands and that the site is DEC wetlands. He said a 100 ft
24 buffer is shown off the wetlands and based on that calculation. They have petitioned DEC to take
25 a look at it, which they did and that was made as part of the subdivision. It has also been deemed
26 that it is not so regulated, a DEC stamp does not need to be put on the plan, but the work will still
27 be outside the 100 ft buffer area. There had been a request when the field was being delineated to
28 show a post and rail fence, which he said he has for his office and works very well. It is shown
29 on the buffer area and detail shown for the 100 ft buffer. He asked, for Lot 3, that the house be
30 moved a little off the buffer to allow a little more room, in case someone wants to put in a pool.
31 The way it currently works, he said, is that there is an individual plot plan showing the exact
32 home, but the ability to do it is shown of there. An archeological study had been done and he said
33 that, at the last meeting they had sign off from the Office of Parks Recreation and Historic

1 Preservation, a copy of which is in the file. Today a comment was received from them, specific
2 to something else and he said the Red Bird Inn, on the corner, does have historical significance,
3 based upon its age and so forth. He had a discussion with them and received an additional letter.
4 They are looking at the setting of the Red Bird Inn and they don't want it wiped out with every
5 single tree gone from the side of it. He said there is a certain feel when one makes the turn. They
6 are asking for a 10 ft landscape buffer strip along the front, to maintain those trees. There are
7 some on Route 52, but also those on Route 216 which are pretty heavy locust trees that they want
8 to retain, with some kind of setting. Other than the driveway permits and entrance, which they
9 understand are being paired up for the driveway entrances. There will be less disturbance and tree
10 removal, and, because of that, he said they are fine. Detail will be provided on the future plan.

11
12 Ms. Robbins asked Mr. Gillespie to point out the Red Bird farm on the plan. Mr. Miyoshi said it
13 is on the corner of Route 216 and Route 52; the big house, right on the corner. Ms. Robbins said
14 then this parcel surrounds that and Mr. Miyoshi said Yes. Ms. Robbins referred to the letter she
15 received, saying the amount of the landscaping buffer required isn't stated, however, looking to
16 Mr. Gillespie, Ms. Robbins she questioned if it was 10 ft. Mr. Gillespie read from the letter he
17 had, saying "The existing trees and shrub screening from the road will be retained; the buffer
18 should be at least 10 ft wide". "The trees and shrubs will be left there", which Mr. Gillespie said
19 makes the most sense, and that "it would be maintained for at least 10 years" He commented that
20 he did not know how they would do that; it could be forever. "The vegetation will be removed
21 only in the areas where there are proposed driveways". Ms. Robbins asked Mr. Gillespie if that
22 was what he had written to her. Mr. Gillespie said No, that is what was discussed and what she
23 was fine with. Ms. Robbins said it was not in what she has, but she just wanted to make sure. Mr.
24 Gillespie said it states it specifically. He told Ms. Robbins that she may be looking at a previous
25 letter and she responded that the one she has is from August 9th. He told her that his was August
26 2nd and gave Ms. Robbins the letter.

1
2 Ms. Gee asked Mr. Gillespie if he had changed the location of the driveways to avoid the trees
3 and he responded No that it was actually laid out that way anyway with the trees, and a nice
4 stonewall there; they were positioned. There was a little flexibility with the sight distance, and he
5 said there is the vegetation.

6
7
8 Mr. Campbell said there was something from the DOT and Mr. Gillespie replied that there was
9 conceptual approval from the DOT relevant to all the entrances and detail was provided on the
10 plan which was already submitted to move it along.

11
12 Ms. Robbins wanted to clarify that, in the first letter, they asked for a landscape plan to be
13 provided in the current system and she asked Mr. Gillespie if he had a conversation after that and
14 he answered Correct. He said the owner indicated that she thought the site was completely
15 wooded and, in fact, there are small Christmas Trees on the site. He again looked at the aerial and
16 said that the owner's concern was the setting from the road – and the look. He said that works.
17 Ms. Robbins recalled from the very beginning of this project that the property owners came in
18 and she asked if this was in addition to the landscaping being provided to them. He replied that
19 he did not think that was correct; they wanted buffer areas to continue around the property, which
20 consists of the rec room, a 10 ft buffer around the perimeter. With regard to the neighbor, Mr.
21 Sozza, he said there is a 25 ft area that can't be built on anyway. He said he would make sure the
22 vegetation remains, through the easement.

23
24 Ms. Robbins asked Mr. Gillespie if that area could be marked on the site plan so it could be
25 understood where it is and the buffers. Mr. Gillespie said Yes, it would have to be. Mr. Bryant
26 said to locate the trees as well. Ms. Robbins said it should be the landscaping and anything being

1 asked for from SHPO should also be shown. Mr. Gillespie said he has the letter and Ms. Robbins
2 said she is just looking at it for the first time.

3
4 Mr. Eickman asked if there were comments. Ms. Robbins asked what the Board would like to
5 see, as far as wetlands, since this would be on for approval. Looking to Mr. Gillespie, she said a
6 split rail fence was being proposed and she said it should be okay with the Board, as far as what
7 they want to see, with the marked boundary around the wetland. Mr. Eickman asked the Board if
8 they understood what was being talked about and that it is basically, so residents don't intrude on
9 the buffer area. He said that a split rail fence is kind of traditional. Ms. Robbins said it is, but
10 sometimes boulders have been used in the past, with the idea to keep it from mowing and
11 disturbing the area behind the wetlands. Mr. Eickman asked if that would be on all the lots being
12 created and Mr. Gillespie said it is just those that are affected by the buffer, which is 1-3.

13
14 Mr. Campbell asked if the split rail fence was on the plan or needed to be shown and Mr.
15 Gillespie replied that he has the detail of the split rail fence on subsequent sheets. It is on the plan
16 that it needs to be installed. He said he is asking so that everyone understands, which he does.
17 Mr. Gillespie said, presumptively, it would not be wanted as part of every building permit and
18 that he assumes that if the Board is comfortable with that, the work can be done ahead, prior to
19 the submittal and save one step of the building permit. He said it can just get done, and it is over;
20 it is just like the one on Hillside Lake Road.

21
22 Mr. Bryant mentioned the shared driveway, which was the first comment and Mr. Gillespie said
23 Yes. Mr. Arco asked Mr. Gillespie if Lot 4 also infringed on the wetland or was he not seeing
24 the drawing right. Mr. Gillespie pointed out the lot on the displayed plan and said Yes. Mr.
25 Eickman said then it is Lots 1,2,3 & 4. He asked if everyone was comfortable with the split rail

1 fence on those 4 lots and no one spoke in disagreement. Ms. Robbins said there is the comment
2 letter and Mr. Eickman stated that it could be included in the Resolution.

3
4 Ms. Gee questioned if there had been a public hearing and Ms. Robbins replied that it did have a
5 public hearing already; there is the Negative Declaration and Resolution. Ms. Robbins'
6 additional comment was that she had talked with the town engineer and said the rail trail is
7 behind the property. With the major subdivision going in, such as Montage, she said there will be
8 the traffic improvements and sidewalks. She said there should be a connection along the front
9 edge of this property, to the rear, where the Rail Trail is, for these lots and to be continuous with
10 the other improvements happening, in order to get to the Rail Trail. Mr. Campbell asked if there
11 would be a stone foot path to it. Ms. Robbins said that, essentially the request was for an
12 easement along the front of the property, and then turning into and along the edge to the back
13 where it is connected to the Rail Trail. Mr. Campbell asked if it is one specific lot that is affected
14 by this or is there more. Mr. Gillespie said he got an email "out of the blue" the other day and
15 asked if this is what is being talked about. Mr. Bryant said Yes. Mr. Gillespie looked at the plan
16 and pointed out the edge of the property and where it would go. He said there is concern with this
17 and that the project has been before this Board at least 4 times before now. He said this has come
18 out of nowhere; the access to the Rail Trail is one door down, from the intersection of Route 216.
19 He said he was not sure of that, beyond the property and asked if the person next door who is
20 renovating the property had been asked, at this location. Mr. Bryant replied that the house is very
21 close to the road, and he is not sure that, physically, there is room. Mr. Gillespie said he thinks
22 there is. Mr. Campbell asked if the easement is for those buying homes or for the general public.
23 Mr. Bryant said they could be for anybody and there is continuous dialogue with Montage,
24 coming up later for 1) to make sure there is pedestrian access across Route 52 and through this
25 new roundabout feature and the planning is where does it go from here. He said the project is
26 before the Board, a 6-lot subdivision, and it seems to make sense to have this discussion to

1 provide continuous connection to the Rail Trail. He said there is a significant traffic
2 improvement going in, which benefits this project by slowing down traffic. Mr. Gillespie said
3 that is 300 lots and this is 6 lots, but in terms of that, they are asking for a buffer, which was just
4 received today, to make sure they maintain those trees, the wall, and vegetation. Mr. Bryant said
5 would have to be looked at for how all that ties in together. He told Mr. Gillespie he was going to
6 be revisiting because of that letter and this would be looked at for the potential path. Mr.
7 Gillespie said he thinks there is plenty of room within the edge of the right-of- way but he
8 doesn't know why that could not be extended further down to where people get on it. He outlined
9 on the plan the path they would have to take on this property. Mr. Miyoshi said Yes, they would
10 be cutting through the 2 houses. Mr. Bryant stated that it would be evaluated. Mr. Gillespie
11 reiterated that there is the access one door down. Mr. Campbell said it is dicey for someone who
12 owns the property to have public access through there. Mr. Bryant said it is in the right of way.
13 Mr. Gillespie questioned if it is a right of way or an easement being talked about, because then
14 that is different. Mr. Bryant said his preference would be the right of way. Mr. Gillespie said
15 these lots have been laid out according to the zoning, 125 minimum width all the way down.
16 Now a right of way is being put there and this shifts everything, however many feet, and it
17 disrupts the whole subdivision. There were the soil tests in different spots and that is why he is
18 making the point that he has been before the Board for a year with this. He told Mr. Bryant he
19 would have the discussion, but that he feels it is unfair to have that discussion, at this time. Mr.
20 Bryant responded that it has to be appreciated that there is an ongoing project across the street.
21 Mr. Gillespie replied he knows that; it has been going on for 20 years. Mr. Bryant said they are
22 getting through the process with the DOT; this is a very fluid project, and the development is
23 along the way. Mr. Gillespie told him he is before the Board and taking the hit; he wants
24 something, and the Town wants something from him. Mr. Bryant told him he did not want to
25 argue with him; he is getting a 6-lot subdivision. Mr. Gillespie said he is getting this, per the
26 Code. Mr. Bryant told him he is the benefactor of the roundabout with an adjoining project, and

1 he thinks it is proper planning to look at this in its totality to make sure it is safe passage for
2 pedestrians, to a well-traveled Rail Trail. He added that he thinks this makes perfect sense; it is
3 unfortunate that it is this late in the game, but better late than never. Mr. Gillespie replied that his
4 question is what happens at the next meeting; what will be the next thing, because that is the way
5 it's been going on this. He said his frustration should be understood; this is not right. Ms.
6 Robbins said there was information before as well and it goes both ways. Mr. Gillespie replied
7 that the wetland was a new thing, and he was not here to go back and forth; he is doing what is
8 asked to do and he would appreciate being able to move forward on this without continuously
9 new things and new things keep popping up; he thinks this is a fair request. Mr. Campbell asked
10 the Board if they understood what Mr. Bryant is saying and it should be clarified so that everyone
11 could make a very logical decision. He said he understands both sides of this and wants to get a
12 definite position of what is being talked about and if it will affect. He said he is, in some degree,
13 in agreement with Mr. Gillespie that, if this is going to change the whole layout and scope of
14 what is already been done here. Or, is it something that will be asked for them to do to just
15 accommodate this foot traffic. Ms. Robbins said she did not know that it would have to
16 necessarily affect everything, and it would have to be looked at. She said the Planning Board
17 could potentially use their discretion to come up with a better site layout to ultimately protect the
18 pedestrian access to the Rail Trail. She said it is probably going to be a huge thing, once there is
19 an additional 300 homes at this location. She wanted to comment that the roundabout is a
20 relatively new thing with the DOT. Originally, there was the intersection, and it has been a
21 constantly evolving thing with the road improvement. They are being requested by the DOT to
22 look at pedestrian access to the Rail Trail, which is part of this subdivision. She said it is not as if
23 it is something the Board has been thinking about for 20 years and just bringing it in. There is a
24 lot of new development inside a development, and she said it really needs to be thought of
25 comprehensively and they need to look at all the projects here cumulatively. She said all these
26 projects will have traffic impacts on the road. Ms. Gee said this is a 6-lot subdivision with a very

1 different traffic pattern than what is going on across the road and those subdivisions. Her
2 question was about the access road and if it all had to be on this property, or if it could be split
3 with the adjoining, and a right of way would be done between the 2 properties. Mr. Gillespie said
4 they are still working on it. Ms. Gee told him she is asking the question because there is less
5 disruption to what is being laid out for the entire right of way on one property. Mr. Gillespie said
6 he does not think there is an issue along the road and his point is that there isn't an issue. It is that
7 they have to cut through the lot to get to the back Ms. Gee said she was not talking about that; it
8 is at the edge of his property boundary, and she is saying there is another property right next
9 door. She asked if it could be shifted across the 2 properties so that his property is less impacted,
10 and the neighbor would also be giving up something. Mr. Miyoshi said the Rail Trail is 20 ft
11 beyond where they are taking about putting this right of way. Ms. Gee asked if an overhead could
12 be displayed so it could be seen better. Ms. Bledsoe asked if the reason was that it can't be
13 further one way was because of both the roundabout and the wetlands, so it doesn't have to cross
14 the wetlands in order to access the Rail Trail. The one driveway has a flag lot and the driveway
15 cuts across, so if it's put in the middle of the subdivision, there is a driveway to cross it. Ms.
16 Bledsoe said she was thinking of the other side. Mr. Bryant said it is because of the geometry
17 across the back. Ms. Bledsoe asked where the center of the roundabout was going to be. Mr.
18 Bryant said it is east of the intersection; it couldn't be put on the screen tonight because it wasn't
19 there.

20
21 Mr. Miyoshi said, not to prolong the discussion any longer but, that in one of the discussions
22 about the roundabout, the woman who owned the Red Bird Inn was going to have to reconfigure
23 here driveway because it was going to be in the middle of the roundabout. He asked how that
24 would interfere with what Mr. Gillespie agreed to with saving the trees and the stone wall that
25 runs in front of there. Mr. Bryant responded that the letter would be shared with the traffic
26 consultant.

1
2 Ms. Robbins said she wanted to make another point. They had talked about multiple subdivisions
3 with the property owner and the effect of the cuts, that there are more smaller subdivisions that
4 would not normally have SEQR review. But, when taken all together, it might require more of a
5 hard look as far as traffic is concerned. She said this is exactly the reason why it is necessary. Mr.
6 Campbell asked, if they were to entertain this access, and there are the shiftings, does it change
7 the buffer that was discussed. Mr. Bryant responded that it would be evaluated. Ms. Robbins said
8 that she just got the letter upon arriving at the meeting; everything has to be looked at in terms of
9 the SHPO letter and the roundabout.

10
11 Mr. Eickman said that there are clearly a lot of challenges here and he thinks that the Board and
12 professionals are sensitive to that. The very fact that Mr. Bryant has indicated that there are
13 things to be considered and has asked for a sit down, he asked Mr. Gillespie to go ahead and do
14 that. He said he thinks it is appropriate to provide for pedestrian access to connect to what is
15 being provided at the traffic circle and if there is some way that can be accomplished, that is fair
16 and reasonable. Mr. Gillespie said along 216 would not change much but it is the access up
17 though. Mr. Eickman replied that is understood.

18
19 Mr. Arco said the Tucker property is right next door and referenced on the drawing. He asked
20 Ms. Robbins if the easement or right of way could be there, through the Tucker property, up on
21 the line where there is Mr. Gillespie's Lot 6; it is what, a 10-15 ft path. Ms. Robbins said she was
22 not sure where he was talking about and Mr. Miyoshi said it is the small house. Being rebuilt.
23 Mr. Arco said the small house is being rebuilt, and so close to the road and the questions is
24 whether there is enough room to go from the edge of the house to the road. He said there is
25 substantial property between the renovated house and Lot 6 property line. He asked if the path
26 could be on that line, but on the Tucker side. Ms. Gee commented that is what she was saying;

1 somewhere in the middle. Mr. Bryant said there is the renovation permit and there may be the
2 land, but it is not before the Board. Mr. Arco said if the Rail Trail was to go in front of the house,
3 it would be more impactful to that house with having all that foot traffic. He said it might be one
4 where the Board could ask, that they would like to do this, and the alternative would be that the
5 Trail would be in the front of the house. Mr. Bryant said it would have to be weighed out and
6 could take 6 months to consider where it would leave this project, and to keep that in mind. Mr.
7 Gillespie said that house being renovated is close to 216 and the house on Lot 6 side has a 25 ft
8 side yard, so it will be pretty close. Mr. Arco told Mr. Gillespie that if Tucker agrees to having it
9 on the line, it is not encroaching on this property.

10
11 Mr. Moore said a comment letter had been prepared today and most of the comments is looking
12 for more information. One thing is important to the Tucker property. When he examined the
13 proposed subdivision plat versus the construction drawings, it looks like there is a little bit of a
14 disjuncture there. He recommends that the applicant overlay that on top of the construction
15 drawings, because some of the lines do not appear to be lining up very well. It could, potentially
16 affect how much clear space is between the side yard for Lot 6 and the Tucker property. Mr.
17 Gillespie said he got the letter today; the subdivision plan gets done by a surveyor with the topo.
18 The subdivision layout gets done from there and it goes back to the surveyor for the plat. Mr.
19 Moore said, in some cases, depending on what is held for the line, the rear property line that is
20 adjacent to the Rail Trail is off by 20 ft. He told Mr. Gillespie that Bobby Oswald's work had to
21 be brought into his and there is the grading for the lots. Overall, he said it can be done, but to
22 make sure it is known what they have and don't have, because the way it is laid out, one of the
23 improvements for Lots 6 actually appears to fall on the Tucker property. Mr. Gillespie said he
24 would look at it; the property is pretty flat and pretty straightforward with the grading.

1 There were no further comments or questions. Mr. Eickman told Mr. Gillespie he would
2 appreciate him getting together with the professionals as soon as he can to work through some of
3 the issues that were talked about. Mr. Gillespie agreed and said he would be back next month.

4
5
6
7
8
9
10
11
12
13
14 ***PUBLIC HEARING:***

15
16 **#2022 – 032 – Cim Tech**, 40 Corporate Park Drive (6356-04-525017).

17
18 Applicant is looking to construct a 6,400 sf addition to existing building.

19
20 Stephen A. Whalen, Whalen Architect, PLLC, Steven Teed, one of the owners, and
21 Brian Hildenbrand, Civil Engineer were present.

22
23
24
25 Mr. Whalen introduced himself and those present with him this evening. He said comments had
26 been received from Mr. Moore dated June 21st. Both of those comments had to deal with civil
27 information needed, such as inverts, topography, which they now have. He said nothing else has
28 changed on the drawings.

29
30 Mr. Eickman asked Ms. Robbins if this was in the Public Hearing phase. She replied that the
31 Public Hearing needed to be opened and, assuming there are no issues in the Hearing, it could be
32 closed and potentially do a Negative Declaration and Resolution, or whatever the Board chooses.

1 **MOTION made by Richard Campbell, seconded by Lori Gee, to open the Public**
2 **Hearing. Voted and carried unanimously.**
3

4 There was no one present from the public to speak for or against the Cim Tech project.
5

6 **MOTION made by Richard Campbell, seconded by Ed Miyoshi, to close the**
7 **Public Hearing. Voted and carried unanimously.**
8

9 Mr. Eickman read from the Negative Declaration saying that this was an unlisted action.
10

11 “The proposed action is a 6,400-sf addition to an existing 89,948 sf building and would be
12 constructed within an existing parking area and no undeveloped land would be disturbed.
13 Therefore, the proposed addition would not be expected to result in any significant changes to the
14 land uses or character of the surrounding neighborhood. Further, the proposed addition would not
15 be expected to result in any significant adverse impacts on the environment for the following
16 reasons:” Mr. Eickman read that the Proposed Action:

- 17 -will not generate a significant amount of additional vehicles, noise or emission levels.
- 18 -will not result in any impacts to historic or archeological resources.
- 19 -will not result in any impacts related to hazardous materials.
- 20 -will not result in a significant effect on air, water quality or ambient noise levels for
- 21 adjoining areas.
- 22 -will not result in an unacceptable risk of flooding or major geological hazards.
- 23 -will not have a substantial aesthetic affect.
- 24 -will not adversely affect any surface water or groundwater.
- 25 -will not allow for improper uses within specified zoning districts.
- 26 -will not result in adverse cumulative impacts.
- 27 -will not result in adverse growth-inducing impacts.
- 28 -is consistent with the Town’s Comprehensive Plan.

29
30 In conclusion, no significant potential impacts were identified as a result of the Proposed Action.
31

32 **MOTION made by Richard Campbell, seconded by Sarah Bledsoe, to adopt the**
33 **Negative Declaration for Cim Tech. Voted and carried unanimously.**
34
35
36

RESOLUTION AMENDED SITE PLAN APPROVAL

NAME OF SITE PLAN: Cim Tech
NAME OF APPLICANT: Stephen Teed
LOCATION: 40 Corporate Park Drive
GRID NO: 6356-04-525017

Resolution Offered by Planning Board Member: John Eickman

WHEREAS, CimTech is an existing light manufacturing business located in the B-1 zoning district;

WHEREAS, the applicant is applying for an amended site plan approval to construct an 6,400 sf addition to an existing building; and

WHEREAS, the addition would be constructed on an existing parking area to the rear of the site; and

WHEREAS, the 53 remaining parking spaces would meet the required parking demand for the use; and

WHEREAS, the proposed addition was reviewed and approved by the ARC; and

WHEREAS, the proposed project is an unlisted action under SEQR and a short form EAF was prepared; and

WHEREAS, a public hearing for the proposed addition was opened and closed on August 9, 2022; and

WHEREAS, a negative declaration was adopted by the Planning Board on August 9, 2022; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves the amended site plan for CIM TECH, as represented on a map entitled "New Addition for Cim Tech" prepared by Whalen Architecture, PLLC dated March 31, 2022 and last revised May 3, 2021; and

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this Resolution, the Chair or other duly authorized member of the Planning Board shall cause a copy of this Resolution to be filed with the Town Clerk and a copy sent to the Applicant/Owner.

Resolution Seconded by Planning Board Member Rich Campbell

1 The votes were as follows:

2 Board Member Lori Gee Aye

3 Board Member Craig Arco Aye

4 Board Member Ed Miyoshi Aye

5 Board Member Sarah Bledsoe Aye

6 Board Member Richard Campbell Aye

7 Board Member Donald Peppe Aye

8 Chairperson John Eickman Aye

9
10 Mr. Whalen thanked the Board.

11
12
13
14
15 ***PUBLIC HEARING:***

16
17 **#2022 – 035 – McDonald's, 967 Route 376 (6358-02-570572).**

18
19 Applicant is applying for an Amended Site Plan to add a side-by-side drive thru and a
20 Special Permit for a parking waiver to reduce the parking count by five spaces.

21
22 Matthew Ingber, of the law firm Brown, Altman & Dileo, Ethan Schukoske, from Atlantic
23 Traffic & Design LLC, the project Traffic Engineer and Alex Lomei, from Bohler Engineering,
24 the Civil Engineer, were present.

25
26
27 **MOTION made by Lori Gee, seconded by Sarah Bledsoe, to open the Public Hearing.**
28 **Voted and carried unanimously.**

29
30
31 Mr. Ingber displayed the plan, and Mr. Eickman asked him to do a presentation of what had
32 changed since the last time this was before the Board.

1
2 Mr. Ingber introduced himself and said that, since the public work session on June 21st, the
3 applicant has responded to the Board's comments, as well as the Town Engineer's. He said the
4 entrance lane to access the site was increased from 13.1 ft to 18 ft. There is now a dedicated
5 loading stall on this site, and 2 employee-only stalls were added at the southwesterly corner of
6 the site, in addition and in response to the comments. A Fire Marshall and Knox box was added
7 at the entrance of the restaurant. He asked if the Board had any questions, stating that the Project
8 Engineer, as well as their Traffic Engineer were present to answer any questions.
9

10 Ms. Bledsoe said at the last meeting, there were questions as to the mobile order pick up spaces
11 and whether or not they are considered parking spaces to be counted in the count. Or, were those
12 spaces not considered part of the count. Ms. Robbins said the Town's zoning doesn't address that
13 and, obviously it could be asked for the Town to consider that as part of the parking count. But,
14 right now it doesn't direct that so it becomes an issue of whether or not folks could use those
15 parking spaces when someone is not there. She said she could guarantee that people will
16 probably pull in and park there anyway. There is 1 spot that is being removed permanently and 7
17 spaces removed in order to widen the drive-through lane, which was replaced with 6 additional
18 spaces. So, this is one down but they are technically meeting the parking requirement. She asked
19 if it was 2 spaces put aside for the pick ups and Mr. Ingber said Yes, 2. Ms. Gee said, just
20 because they are set aside for pick up now, doesn't mean that they would always be set aside for
21 pick up and they would be regular parking spaces. Mr. Ingber said Yes, if there were no mobile
22 orders, they would be standard parking spaces; they would park and go into the restaurant. Here
23 they are parking for mobile orders, in and out, and much faster because the food is being brought
24 to them. Ms. Gee said there is employee parking, but the Board has never had discretion on this.
25 Ms. Bledsoe said, if one pulls into the McDonald's now, and going in to eat, one would not park
26 in a mobile pick up space and choose to park elsewhere and continue to be driving around if

1 there were no parking spaces. She said her point is that it is more like a standing space. She said
2 she would not pull into a mobile space to pick up and would be annoyed to pick up a mobile
3 order and she couldn't because someone was parked there. In her mind, she said that becomes 2
4 fewer parking spaces for anyone who wants to go in to eat, pick up, or whatever. Ms. Robbins
5 said it is a little similar to what happens at a gas station; one pulls in and someone leaves from
6 the pump.

7
8 Mr. Campbell noted, when looking at the plan, in the right-hand corner, he recalled there was the
9 ability to add some parking where the dumpster was on the site and to the left of that. Mr. Lomei
10 came to the podium to reply to the question, saying that there were 2 parking spaces where the
11 loading zone is and that was designated as the loading zone. The 2 spaces by the trash area are
12 the employee spaces; they were shipped over there from what is now the loading zone. Mr.
13 Campbell questioned, from the parking standpoint as the plan now sits, and being new, is this
14 minus parking spaces. Ms. Robbins said it is one spot; there were 25 existing parking spaces and
15 only 24 were required, based on the building's square footage and the parking requirements.
16 There are now 24 and she said they still meet the parking requirement; it is just that they are
17 down one from the existing condition. Ms. Gee said then there are technically 22 spots that are
18 non-mobile spots and Ms. Robbins said that is correct. Ms. Bledsoe said the 2 employee spaces
19 counted in the 24 spaces. Ms. Robbins said Correct.

20
21 Mr. Campbell said there was always the question, at the height of employment, of how many
22 employees were in there. He said it seems like an imbalance of employee ratio to the employee
23 parking. Mr. Ingber said he understands and asked Mr. Schukoske, to go over the traffic at the
24 maximum capacity of the site and discuss the traffic report. Mr. Schukoske came to the podium,
25 saying that a traffic study had been performed at this location, during peak parking demand times
26 at the McDonald's. They looked at a weekday and a Saturday. A maximum of 16 parked cars at

1 the site was found in their parking study, during a Saturday, at the peak hour. With 24 proposed
2 stalls, he said this gives a reserve of 8 spaces. Mr. Campbell said his question is just specific to
3 the parking spaces provided to employees and how many employees there are, inside the
4 restaurant. It is being said that there are 2 parking spaces being delineated for employees and how
5 many employees are inside the restaurant, at any given time. Mr. Schukoske, replied that a
6 maximum shift would be 13; not everyone drives, there is car pooling and other means to get to
7 the restaurant. Mr. Campbell asked if the overflow would take this into the plaza space. He said
8 he was sure that some of the employees may get dropped off, but that a majority drive to work
9 there. He asked how this will work. Mr. Schukoske, said his understanding is that all of the
10 parking is contained on this site and there is not a need for overflow parking sites. He said this is
11 typical for these sites for McDonald's restaurants and that, typically, from the studies they have
12 done for McDonalds' sites, is one per 3 seats. He said he finds in his experience of doing studies
13 for the McDonalds' in this area, that the employee parking is adequate for employees and
14 customers. When the mobile order stalls are considered, he said if they weren't there, there would
15 still be a demand for the parking. When parking studies are done, he said the mobile order spots
16 are included, they are not excluded. As well as any employee parking on the site. Mr. Campbell
17 asked if there was a ratio for drive through customers as opposed to dine-in customers who walk
18 into the place; is there any way to understand that. Mr. Lomei answered that the drive through
19 came about more during the pandemic and we are now in a pandemic world.

20
21 Mr. Campbell said when he goes by this McDonald's, it seems as though the drive through is
22 very heavily traveled. Mr. Schukoske said the drive through for this project is really to
23 accommodate that demand and having the second order point really increases the efficiency of
24 the process; it is the choke point in the ordering process. This basically doubles the efficiency of
25 the drive through, and he said that is their goal. In collaboration with the Town, the Town

1 engineer and prior Town work sessions, he said they are accommodating that parking
2 requirement, while still increasing the efficiency.

3
4 Ms. Robbins said, based on the computer traffic study this site, they came up with a 1 to 100, one
5 space for every 100 sf in a building for a fast-food restaurant. She said it is inclusive of
6 employees being in there and the ratio. There may be times when a team shows up and there may
7 be more people there and difficulty parking. But, as far as them meeting the parking requirement,
8 that parking requirement has changed to be more conservative based on actual parking surveys
9 done in the area for fast-food restaurants. That area may have picked up business because of the
10 Rail Trail, but that had been the standard. Mr. Campbell asked if the square footage included the
11 entire building and Ms. Robbins replied that it is 2,321, so Yes. It is 24 spots. Ms. Gee asked Ms.
12 Robbins if the parking study she was referencing in answer to Ms. Bledsoe's question, did it
13 contemplate mobile spacing. Ms. Robbins said No, she thinks that was changed around 2009-
14 2010. Mr. Schukoske said it also would not have contemplated the shift of the drive through
15 here.

16
17 Ms. Bledsoe said she is concerned. It is 13 employees and this McDonald's is not on any
18 particular bus\ route like others that she can think of, such a on Route 9 or off of a bus route. She
19 said she is sure kids are being dropped off, there is carpooling, whatever, but it seems that 13
20 employees maxed with only 24 total parking spaces, the math does not add up. She knows it
21 meets the requirements. She recalled Ms. Robbins had mentioned something about land banked
22 parking and, maybe a year from now if they review this and need to have parking, would they be
23 able to do that. Mr. Campbell asked if the site allowed it. Ms. Robbins replied Yes, there is space
24 on the site. What has been done before is, if there are issues observed at that site, it could be in
25 the Resolution that the applicant do a review of the parking in 6 months, or whatever, to see if
26 the parking is operating. If there are any issues seen, she said they could be asked to come back.

1 Mr. Campbell asked if that happens through Code compliance, or how does that work. Ms.
2 Robbins said if it is in the Resolution, then it would be a site plan condition that, ultimately, they
3 could be called back in front of the Planning Board if there is an issue. She said Yes, it is Code
4 compliance if it is observed. She said usually the Town would hear about something, get calls so,
5 if in the future something happens, and someone calls, it could be looked at and, if an issue, they
6 could be brought back in. Ms. Bledsoe said she does not want to assume there is overflow
7 parking across the street, when that plaza could be built out,. Although there are a lot of vacant
8 spaces there right now, she said it could be built out and then there is not additional parking
9 overflow at all, in the future.

10
11 Mr. Ingber said this application was not here for a parking variance so that condition is assuming
12 parking demands, which he said he feels is not related to the request that this application was
13 there for, and this meets parking. Ms. Robbins replied that, if the Town observes something, then
14 it would be reasonably related. Mr. Ingber said sure, if there were violations, but, as was
15 mentioned, gas stations have this parking too. If the vehicles are queuing on to the main road,
16 then it could be an issue, but he said he did not know if approvals were based on queuing for a
17 gas station. Ms. Robbins replied that sometimes the spots at the pumps are taken into
18 consideration and dealt with depending on the use of the gas station. Mr. Campbell commented
19 that gas stations usually have only 1 or 2 employees inside, not 13, which he said is disparity. He
20 said he is not trying to give a hard time but is just trying to understand how this will all play out
21 in the bigger picture. There are 2 employee parking spaces being provided for 13 employees and
22 he said that is a pretty big spread. Mr. Eickman said, on the contrary, they are providing 24
23 parking spaces, where they had 25 before and he thinks the improvements to the drive through
24 outweigh the concerns about losing one parking space and where parking apparently worked well
25 in a previous study that was done. Ms. Gee added that there are now the mobile pick up spaces
26 and, looking at Mr. Ingber, she asked if they were working fine. He replied Yes. Ms. Gee said she

1 is comfortable with a lookback -callback option. Ms. Robbins said it is up to the Board how they
2 want to proceed. Mr. Eickman asked the Members how they felt as to a lookback to review
3 parking at a future date.

4
5 Ms. Gee said she is comfortable with that option. Mr. Cunningham said, regardless, if there is
6 any sort of violation, it could be the Building Department, and they can always come back before
7 the Board, whether or not there are any conditions there.

8
9 Mr. Eickman said that would seem to be a reasonable solution to him and he does not think there
10 needs to be an arbitrary review, per se, and the Town should be looking for compliance with
11 whatever regulations are required. The Members discussed it among them. Mr. Eickman said,
12 from the Members to his left, any violations would trigger a review and that would be
13 appropriate in any event. He stated that this is not required in the Resolution.

14
15 There was no one present from the public to speak for or against the project.

16
17 **MOTION made by Richard Campbell, seconded by Lori Gee, to close the McDonald's**
18 **Public Hearing. Voted and carried unanimously.**

19
20
21
22 Mr. Eickman proceeded to read from the Negative Declaration, saying that this is an unlisted
23 action:

24
25 “The proposed action is the addition of a side by side drive thru and would not be expected to
26 result in any significant changes to the land uses or character of the surrounding neighborhood.
27 The proposed project would not be expected to result in any significant adverse impacts on the
28 environment for the following reasons - The Proposed Action:

- 29
30 -will not generate a significant amount of additional vehicles, noise or emission levels.
31 -will not result in any impacts to historic or archeological resources.

- will not result in any impacts related to hazardous materials.
- will not result in a significant effect on air, water quality or ambient noise levels for adjoining areas.
- will not result in an unacceptable risk of flooding or major geological hazards.
- will not have a substantial aesthetic affect.
- will not adversely affect any surface water or groundwater.
- will not allow for improper uses within specified zoning districts.
- will not result in adverse cumulative impacts.
- will not result in adverse growth-inducing impacts.
- is consistent with the Town's Comprehensive Plan.

In conclusion, no significant potential impacts were identified as a result of the Proposed Action."

MOTION made by Sarah Bledsoe, seconded by Richard Campbell, to adopt the McDonald's Negative Declaration. Voted and carried unanimously.

RESOLUTION AMENDED SITE PLAN APPROVAL

NAME OF SITE PLAN:	<u>McDonalds Drive-Thru Improvements</u>
NAME OF APPLICANT:	<u>McDonalds Corporation</u>
LOCATION:	<u>967 Route 376</u>
GRID NO:	<u>6358-02-570572</u>

Resolution Offered by Planning Board Member: John Eickman

1
2
3
4
5
6 ***PUBLIC HEARING:***
7

8 **#2021 – 013A - iPark Building A**, 200 North Road (6456-03-958962).
9

10 Applicant is seeking Site Plan approval to add a 250,000 sf furniture distribution
11 warehouse.
12

13 **Troy Wojciekofsky, Engineer with Stantec, was present.**
14

15 While Mr. Wojciekofsky displayed the plan, the Members opened the Public Hearing.
16

17 **MOTION made by Richard Campbell, seconded by Craig Arco, to open the Public**
18 **Hearing, Voted and carried unanimously.**
19

20 Mr. Wojciekofsky introduced himself and said the representative from iPark and Ashley
21 Furniture was supposed to be present this evening, and apologized, but were not due to summer
22 vacations. He proceeded to run through the basics for the public, since it was a Public Hearing. It
23 is a site plan for a 253,800 sf warehouse distribution facility. It has been known as Warehouse A
24 and now it can be said that the “A” actually stands for Ashley Furniture. It is not proposed to be a
25 retail outfit, but strictly a warehouse for distribution. The face of Ashley Furniture for this
26 project, in this location is actually a local bred person whom he knows. He pointed out the old
27 IBM facility and the location of Route 52, as well as the tan building that is shown on the plan in
28 the southwest corner as the proposed Ashley Furniture(“Ashley”). He said it is being built on the
29 existing parking lot and there is no removal of trees; it is a nice in-fill redevelopment project
30 which is preferred by most as far as environmental concerns. He stated that all of the utilities will
31 be from the onsite system, so water and sewer connections will be from interior services that are
32 already present. Stormwater will be managed, and stormwater regulations require that it be

1 cleaned up, even for redevelopment projects. He said they have measures that comply with the
2 DEC requirements for that. He said about 250 employees, plus or minus, are anticipated along
3 with 65 loading docks, 76 truck spaces and 11 container spaces. He pointed out that access will
4 all be off of existing ramps at Route 84 and the Lime Kiln interchange, so there will be no traffic
5 onto Route 52, which he said is a plus. It is a 24-hour operation with 3 shifts of employees, and
6 he pointed out the Ashley Furniture parking as well as that for the existing tenants.

7
8 Mr. Eickman said he knew it had been talked about, to show the entire condominium for Lot 7
9 and all the uses as well as parking requirements and actual parking and he asked if this had been
10 provided. Mr. Mr. Wojciekofsky said Yes, a full technical, full set of plans, SWPPP was
11 provided at the end of June, with the anticipation of being on the July agenda. The project was
12 not put on the July agenda, and he said that, since then, Ms. Robbins provided a new memo that
13 highlighted that information. Submission was made at the end of July for this meeting, and he
14 said a one sheeter would be inserted into the set that shows the combined spaces of Lot 7, which
15 this is part of. He said it also shows the parcel called Lot 10, which will be subdivided out for
16 Ashley to own; that plan was prepared by Lovella, the site surveyor, back the end of April and
17 that subdivision plat was submitted. The parking plan overall was submitted and resubmitted for
18 this meeting. He said it is a table, color coded for the tenants, with each tenant shown and the
19 required amount of parking. The color coding shows where the general spaces are allocated and
20 shown in the proximity of the tenants. The same color scheme was repeated and parking analysis
21 for the one-sheeter, for Lot 7/10 information was provided.

22
23 Ms. Robbins wanted to clarify that this was lot was now going to be subdivided off of Lot 7 and
24 stated that this is a change from the previous application. Mr. Wojciekofsky said that was right
25 and he figured this would be an amendment to the preliminary site plan that was drawn and
26 submitted the end of April, the subdivision plat by Lovella. Ms. Robbins noted that it was

1 submitted as a condo unit and not a subdivision. Mr. Wojciekofsky said he thinks the subdivision
2 makes it clear it is not a condo, but a subdivision; it was not something that was contemplated in
3 the beginning of the process, before Ashley Furniture was involved as a tenant. Once Ashley
4 became the proposed tenant, he said apparently that is their preference, to own the parcel that
5 they are located on and they prepared the preliminary plat. Ms. Gee asked if the application was
6 updated to explain what is being proposed. Mr. Wojciekofsky said, they can. In responding to
7 comments, he said they said it was a submission of a subdivision plat, but they have not yet gone
8 through the applications with that added it. Mr. Miyoshi asked if this is something that would
9 have to go to the Zoning Board and he would guess that the zoning changed. Mr. Cunningham
10 responded that he did not think the Zoning Board had to be involved in this, as long as there was
11 no variance required. Mr. Wojciekofsky said there is no variance, and he does not believe the
12 Zoning Board would be involved at this point. Ms. Gee told him it does change the application
13 from a building plan to a subdivision. Mr. Wojciekofsky said the subdivision approval would be
14 part of this site plan. Mr. Eickman asked Ms. Robbins if this changes the process in any way. Mr.
15 Cunningham replied that it could run concurrently, but that a full subdivision application would
16 need to be received. Ms. Gee said this was already publicized for a Public Hearing and it was
17 discussed that the hearing is still open. Ms. Robbins said they are working on the Negative
18 Declaration.

19
20 Mr. Arco asked if the setbacks were different for this as a proposed subdivision. Ms. Robbins
21 responded that this site falls under a Special Permit that allows for a zero lot line, specifically for
22 the redevelopment in this area and this is something that needs to be thought through. Mr. Bryant
23 said this was going along as though it is a condo and the subdivision at a later time. He said that
24 parking may not require easements, but agreements for parking.

1 Mr. Moore asked Mr. Wojciekofsky where this is at with the DEC and wetland flagging. Mr.
2 Wojciekofsky responded that the wetlands were flagged, but they are still waiting for them to be
3 surveyed. He does not believe the DEC has been out there to walk it. Mr. Moore asked if he had
4 a timeline of when that may take place and Mr. Wojciekofsky said he does not know and can't
5 Predict when the surveyor may get out there.

6 \

7 M. Robbins said, at the very least, it is observed that the parking plan in the July submission
8 needs to show the required parking and the proposed parking, and it should match what is on the
9 site plan. Mr. Bryant said the locations are important.

10

11 Ms. Gee noted the site circulation and Ms. Robbin said they should provide some site circulation,
12 but now that this is a subdivision, there are other businesses on the site and an existing building
13 being subdivided off that won't have parking. Mr. Bryant commented that there is also the
14 question about shared utilities.

15

16 Mr. Wojciekofsky said, at this point, the applicant has indicated to him to report to the Board that
17 there are blanket easements for utilities, access. Now, with separated ownership by Ashley for
18 this parcel, he said there are documents that will need to be revised. Ms. Gee asked him if he
19 anticipates all the cross easements and he agreed.

20

21 Mr. Bryant said he had mentioned this as a warehouse terminal and asked if there was a
22 component for the public to come into the building for limited purchases of furniture. Mr.
23 Wojciekofsky said it is in the south end of the building, with 2 overhead doors. On the average, it
24 would be about 5 customers per day, so it is limited; there is no showroom, and it is just a simple
25 pick up, or maybe to drop off damaged furniture, something like that. For the most part, though,
26 he said people have it delivered.

1
2 Mr. Bryant said it was mentioned that there is truck traffic only off of Lime Kiln and 84 and he
3 asked about the signage for that. Mr. Wojciekofsky said, in the site plan submission, it indicates
4 the new signs that will be in the vicinity of the entrances, for both truck traffic and
5 employee/customer traffic. He said that directional signs are noted elsewhere on the property,
6 along South Drive and they will be updated to include Ashley Furniture as well. The directional
7 signals start out at Lime Kiln and, as one comes in, they see to either go ahead or turn. These
8 signs will be updated with “Ashley” and he said new signs are proposed right on the site. Mr.
9 Bryant asked if the monument sign has room to add Ashley. Mr. Miyoshi commented that there
10 is a lot of space on those signs.

11
12 Mr. Eickman asked if there was anyone present from the public with questions or comments, for
13 or against the project.

14
15 Tirtsa Malavenda, 2854 Route 53, Hopewell Junction came to the podium to speak and said there
16 are 70 trucks; she asked where they will get their gasoline /diesel from; she knows they have to
17 get it from somewhere and asked if it was from the site. Mr. Wojciekofsky replied that it would
18 not be from the site. Ms. Malavenda asked if they would go out onto Route 52 to get their gas
19 and Mr. Wojciekofsky said he would try to find this out, for the next meeting.

20
21 Pat Flaherty came to the podium to speak, stating he is the Site Manager for Global Foundries.
22 He pointed out Lot 5, the cross hatched area on the map. He wanted to correct Mr.
23 Wojciekofsky’s statement, saying that the utilities are not part of the existing parcel. He wanted
24 to go on the record this evening and to talk about that, in detail. He said a lot of things have to get
25 worked out between Global Foundries, the Town and iPark. He wanted to make sure that, before
26 this goes too far, that this will be on the record, so that it all gets resolved. He noted that this was

1 the first time to hear it is a subdivision and right now, the only utilities that will be provided for
2 the sanitary waste treatment. Everything else, i.e. IT, telephone, electric, water, fire services, will
3 have to be provided by somebody else; it won't be provided by Global Foundries. Mr. Campbell
4 questioned if he was saying it would be strictly sewer and Mr. Flaherty said Yes, just sewer. He
5 wanted elaborate and go back through the history of the site, saying that, in 2016 the Planning
6 Board approved an 8-lot subdivision for this parcel and that is when 2 parcels remained with, at
7 the time, it was Global Foundries. He said the other 6 parcels went over to iPark and, the plan at
8 that time was, either the County or the Town, would set up a Water District to provide water to
9 all of the parcels that didn't belong to Global Foundries. In talking with the Town, as recent as
10 last month, he said the preference is that the Water District be established by the Town – and not
11 the County. The Town, through this Board in 202?, established a Water District for this area,
12 called the Route 52 Commercial Water District. He said that, apparently, it was only approved as
13 a default service for the site and not as an actual water provider. That was put in place that, in the
14 event Global Foundries could not provide water, then someone would assume that entire water
15 district. He said that Global Foundries has moved forward in establishing a Water Corporation
16 and becoming a public water supply, because they have a commitment to supply water to iPark,
17 but only iPark, and/or a Water District that would be run by the County or the Town. From
18 talking to the other Town Attorney (Mr. Wood), he said Mr. Wood had said that, even though
19 there was the default with Route 52 Commercial Water District established, that is not able to
20 sell water to, in this case, Ashley Furniture. His understanding is that it would be required to be
21 set up as a sub district and, pointing to Mr. Cunningham, he said maybe he or Mr. Wood could
22 potentially explain the difference between a sub district and a district. With moving forward to
23 get themselves established as a public water supplier, he said they have to fall under the
24 regulations of the New York State Public Service Commission in order to sell water because they
25 are not a public utility. They have been introduced to a new form of regulation called incidental,
26 or lightened regulation, which would actually prohibit them from selling water to anybody in

1 iPark or Water District. He said whether Ashley Furniture subdivides, or is still part of this
2 condominium association, which he understood it to be, they would not be allowed by New York
3 State Public Service Commission to sell water to anybody. He said he wanted it understood that
4 they perfectly support putting the warehouse there and the use, and they would love to see the
5 property filled up with use. He stated that they are not against the actual subdivision; they are not
6 actually against putting something there, as long as it is an industrial use, which he said this is,
7 and that would be fine. However, he said, the solution to this, in order to provide water, is kind
8 of a 3-step process:

9 First, they need the Town to either set up a Water District, or allow them to work with
10 the County to set up a Water District.

11 Secondly, the proposal, as he showed on a blown-up map, where Route 52, Lime Kiln
12 Road, South Drive, the Interstate, West Drive and Jay were located and where the warehouse is
13 situated. There is plenty of water on the site, half million gallons water, and he said it is all about
14 distribution. He pointed out the red line, saying it was the existing supply for Lot 7; The pink line
15 is from the Dutchess County Wastewater and a 2 million gallon water tower. The only way that
16 water could be provided for Ashley, he said, is if they could sell water to the Water District.
17 There are 2 options and he pointed out the one location at Lot 7, saying it would be the red line
18 under a Water District. He said that Ashley could, potentially tie into that existing line and the
19 water is provided. It is only if the Water District takes over this at Lime Kiln. Another option,
20 which he said Mr. Bryant has proposed, is to pick up off another water line from the West
21 Campus and to bring in a new, permanent system that could, potentially be for Ashley, the area in
22 labeled in red on the plan, and for Lot 8, if it is ever developed, and Lot 6. He said they have the
23 water but cannot sell it. He left the map on the table before the Members for them to refer to and
24 then returned to the podium. He said the other, potential solution, if the Water District was set
25 up, would then either build a temporary feed, to pick up the area labeled red, with a revenue
26 meter. Or, if there is enough time, which he said there may not be, in order to meet their

1 schedule, would be to set up a permanent water pipe system. He said this would not only solve
2 their problem, but also future problems. He reiterated that there is no objection to the subdivision
3 and there are no objections to any changes or buildings there. He said it is that they just can't be
4 available to provide the water; waste is not a problem.

5
6 Mr. Flaherty continued, saying that the other subject is Fire protection water, which they cannot
7 provide. He said now that this is Lot 10, there is no requirement to provide that, and the Fire
8 water would have to be provided through a tank system, by Ashley themselves, with enough size,
9 similar in size, or something similar to what is going on the West Campus. He said that,
10 preferably, if it could be done by a Water District and they had a solution, a third option would be
11 to make an arrangement with someone upstream, to buy storage for the tank, which is similar to
12 what is being done for Frito Lay. He wanted to make it clear that Global Foundries cannot
13 provide the Fire water.

14
15 Mr. Flaherty said he thinks he has made all the points and passed out to the Members and
16 Professionals for their consideration what he called a proposal of 4 contingencies for any type of
17 approval and read from the proposal:

18 Approval to establish and establish Town Water District to provide water to not only
19 this project, but to the entire rest of the campus. We need the approval from the Town of East
20 Fishkill to assume the obligation to provide municipal water, potable water and domestic water
21 to this, and any new buildings constructed on the iPark East Fishkill campus, which was the
22 original intent, back when we did the initial subdivision.

23 Prior service water would have to be provided either through a storage tank by the
24 applicant, the Town, other sources, but not Global Foundries. He said he thinks it goes without
25 saying that all of this would need final approval from the Department of Health, before they were

1 on board with sanitary, which he said is not an issue, fire services, which he said he knows they
2 worry about, but also then, water.

3
4
5 Mr. Eickman asked how this would affect the other iPark projects, like Frito Lay, which he had
6 mentioned. Mr. Flaherty replied that Frito Lay apparently has made agreements with, he thinks,
7 Town of Poughkeepsie for fire storage, fire protection. He said Global Foundries cannot sell
8 water to Frito Lay and that the conversations with Mr. Bryant have been, if they go in this
9 direction and set up a Water District, that would solve Frito Lay's problem as well. But, any
10 future, he said, it would be the same type of consideration and their hope is that they could get a
11 Water District set up or take the existing and convert it to this. He said he does not know the
12 difference legally between a district that is currently set up and one that is a sub district. He said
13 it would mean another talk with Mr. Wood about the sub district and it a has to be worked out.
14 He said they have had working plans with, not only the Town, but Dutchess County
15 Water/Wastewater Authority and also the Department of Health so it can be addressed, not only
16 for Ashley, but for everybody else that comes forth. He said it is very workable; the water is there
17 and that it is just a matter of sorting out the pipes, who owns the pipes and, actually, who deals
18 with the billing and who is actually allowed to sell water. He respectfully requested that the
19 points he presented be considered by the Board and entered into the record, that they are ready to
20 discuss with whomever, whenever, to try to work through this to some type of solution, so it does
21 not hold up the project.

22
23 Mr. Bryant told Mr. Flaherty he knows Global cannot legally sell under a lightened regulation
24 but, if a Transportation Corp was formed, under a Transportation Corp., they could sell. Mr.
25 Flaherty responded No that they did form a Transportation Corp and it was actually called the
26 Waterworks corporation, which is established and went on record in September last year. He said

1 the final step with it is record that with the New York State Public Service Commission to
2 determine rates, administration. As part of that, they said No, and suggested they go the route of
3 lightened regulation. Mr. Bryant said if they only supplied the 2 entities, and Mr. Flaherty said
4 Yes, if the entities are supplied, or this has to go the full-blown public service route then Yes,
5 they could sell to other people. Mr. Bryant wanted to make it clear that it is not impossible that it
6 is the preference. Mr. Flaherty told Mr. Bryant that, as lightened regulation, it is impossible, but,
7 if it goes full blown, and it is set up as a water company, then Yes, he is right. He said they are in
8 the business of making semiconductors and not selling water. They are not in the business of
9 sending water bills to furniture warehouses, or Frito Lay warehouses. He said they want to get
10 back out of the water business and just like it is working very well with the waste now, it is now
11 a nicely working agreement between them and the Town, a wastewater treatment system is all set
12 up and legalized with New York State, so it is all good. He added that they just want to do the
13 same with the Water District.

14
15 Mr. Bryant told Mr. Flaherty he believes there is an agreement in place that they are obligated to
16 supply water to certain lots and Mr., Flaherty said that is correct. Mr. Bryant said he thinks
17 something can be worked out there and that they do have an obligation. He said he knows they
18 are trying to work through it and these applicants are coming in, based on an agreement. Mr.
19 Flaherty said if the Town would set up a Water District, there is agreement from iPark, in this
20 case, to get the water from the Water District. Mr. Bryant said it goes without saying that they
21 would agree with that. He told Mr. Flaherty that the Town is not in the business of buying water
22 from chip manufacturers, just like they do not want to sell water to furniture people, and it is one
23 of the hurdles that they are trying to deal with. He said the Town does have a plan in place,
24 subject to Health Department approval, to move this project forward and other projects forward.
25 He said he would leave it at that but, as it stands right now, there is an agreement in place now,

1 they need to supply water and they have to work through some issues. He said iPark has to work
2 through some issues and the Town is here to help facilitate that.

3
4 Mr. Flaherty asked if he could ask the Board some questions. Mr. Eickman said certainly, to go
5 ahead. Mr. Flaherty asked if the requirements seemed reasonable and if they could be entered
6 into the record as requirements. Mr. Eickman told him his request could certainly be entered into
7 the record and, as to whether or not they think it is reasonable, he thinks they would have to take
8 the time to be advised by the Town professionals to understand this a little better. Mr. Flaherty
9 replied okay. Mr. Eickman told him he was pressed up with some very complex issues. Mr.
10 Flaherty responded that, as a neighbor, they were kind of hoping for the last 5 years when Ms.
11 Gee was a member at that time, and a lot of promises were made at that time, which he said he
12 thinks have all been fulfilled from Global Foundries' standpoint. The request at that time was to
13 set up a Water District; this was flipped a lot between County and Town, and he said they do not
14 really care. However, it has been 5 years and now there is a lot of development happening there.
15 He told the Board he would strongly encourage them to motivate the Town to set up a Water
16 District. He thinks this is the right thing to do and said it extremely supports economic
17 development for that area. Mr. Bryant told him that, back then, had it been very detailed in these
18 agreements as to the terms of what infrastructure needed to be built to facilitate this plan, it
19 would make everyone's life a lot easier now. He said it was left out there as a detail to be
20 determined in the future, and now it is in the future, and someone has to pay for all this
21 infrastructure. He told Mr. Flaherty that the applicant iPark says there is an agreement that Global
22 Foundries is going to provide water and he is saying they need to connect to a certain spot.
23 Meanwhile, he said, it is not written anywhere in an agreement and here everyone is trying to
24 work through it all. Mr. Flaherty went to point out on the map saying that just to build on the
25 verification, there is 2 million gallons and Ashley, iPark, anyone, can have half a million gallons
26 in that red area. All the water is available, and they have satisfied their contract requirement to

1 provide water. Mr. Bryant said the lawyers muddled this up and it should have said “water is
2 available at point A”, but that was not said, just that “water is available”. Mr. Flaherty said, with
3 Frito Lay, the horse kind of got out of the barn and 5 years have passed and now it is pushed out
4 to that it is now the end of the road. He said that is why he pushed the request for help to
5 establish the Water District or for the Town to allow them to go to the County, either way is fine.
6 Mr. Campbell asked if that read area on the map that they have met their obligation. Mr. Bryant
7 said he did not draw this agreement and would not weigh in on it and he thinks both parties see it
8 a little bit different; the “red dot” is not mentioned in the agreement. Mr. Cunningham stated that
9 he would have to see the agreement. Mr. Miyoshi said to him it is very clear. Mr. Flaherty said it
10 request that they provide water, which is no argument and somebody, not Global Foundries,
11 would provide all costs to get the water to where it needs to be, which is extremely clear. Mr.
12 Bryant said the question is “where does it need to be” and that it would have been a lot cleaner if
13 it said, “you have to connect from the tank” and that would have cleaned up everything.

14
15 Mr. Campbell asked Mr. Wojciekofsky if he was aware or if the team is aware of all of this. Mr.
16 Wojciekofsky returned to the podium saying that they are aware. Mr. Campbell told him he
17 understands that he doesn’t have to speak n their behalf but asked where they stand with it; is it a
18 disagreement at this point. Mr. Wojciekofsky replied that he did not have specific information on
19 this and all he knows is that iPark me with Mr. Bryant and other Town officials at Mr. Moore’s
20 office, as recent as last week on this issue. He said he did not know how long it has been
21 brewing, but it is not a surprise to iPark. Mr. Campbell said it is a surprise to the Board, because
22 they had heard nothing of this. Ms. Bledsoe asked if this goes beyond the water. Mr. Bryant said,
23 no pun intended, but it is a very fluid thing, and meetings are going on daily; they are only
24 involved with the water right now and, beyond that, and other services, they are not involved,
25 other than the Fire Protection. He said that speaks to an agreement that they would provide Fire
26 Protection and they are trying to wrestle with this. It is not for Lot 10. Ms. Bledsoe said it is a

1 subdivision and asked if there has to be conversations about the other utilities or is it the water
2 that the Board is concerned about. Mr. Bryant responded that the Public Service Commission
3 ought to weigh in on that; the electric, municipal, it will mingle with electric and gas. He looked
4 to Mr. Flaherty, who responded that no requests come from them. He said they cannot sell the
5 gas but they currently own a line so that will be the same situation for natural gas. Mr. Campbell
6 said it is the same with the other utilities and Mr. Flaherty returned to the podium, saying that
7 iPark is very aware, having worked on this obviously for 5 years, which was actually 8 years,
8 including the time it took to do the deal. He said he was hoping not have had to speak this
9 evening, if an agreement had been reached with the Town and iPark. He has agreement as of
10 yesterday with iPark that says if the Town is willing to set up a Water District, they will let
11 Global Foundries off the hook to provide water; but have not been able to secure that same
12 agreement with the Town. Had the Town said some time today that they would set up the Water
13 District, he said, by the second of December, this year, he had a signature from iPark that said
14 they would let Global Foundries off the hook for providing water. He reiterated his request for
15 help from the Town, set up a Water District by the second of December this year. He said it
16 matters to them because they are switching names, going from Global Foundries to ON
17 Semiconductor in January. He told the Board that, frankly, he did not want to deal with this mess
18 under a new parent next year. If this can be resolved this year, he said they can back out of this
19 whole thing, the Town sells the water to whoever shows up and they do not have to get involved
20 in it again; this would make it very clean. Ms. Gee asked Mr. Flaherty if Global would become a
21 purchaser of water at that point, or would they only own their own water and try to to sell what is
22 left to the Town. Mr. Flaherty responded that, under discussion, he wants the latter, but the Town
23 has proposed the former. Mr. Bryant said the offer has been put on the table that the Town would
24 be the sole provider of the water. Mr. Campbell said then they are unwilling to have the Town
25 provide the water. Mr. Flaherty said he has a 30-year contract with Dutchess County
26 Water/Wastewater Authority that runs through 2034, so Global has all the water it needs right

1 now. Mr. Bryant said that contract would be assumed, and Mr. Flaherty said it can be discussed.
2 Mr. Flaherty said he first needs the commitment for someone to set up the Water District. Mr.
3 Campbell said if it is not done that way; it still continues to muddy the waters around the site.
4 Mr. Flaherty said they could hand 2 million gallon per day to say, the Town, and he sells them
5 back .5 or, they can go to the County at the DCWWA and say Global will keep 1.5 and he is
6 handing half a million to say, the Town. He said either way works, and it is in the details to work
7 this out. Global's interest is the lowest cost and least complex in the future. If it is going to cost
8 more to buy the water from the Town, he said they won't go there. If it is the same cost, they are
9 lower and don't have to be involved in these discussions, then it can go in either direction. He
10 said they are more than willing to talk, and they just need the commitment to do this by the
11 second of December. Mr. Campbell said if the Town is to provide some sort of service, there will
12 be the expense. Mr. Bryant commented that another component is that the County sells water on
13 the paper and Mr. Flaherty's offer to give the Town 500,000 to take the pay associated with that,
14 and the Town does not want to inherit that type of pay.

15
16 Mr. Flaherty said this is pretty deep and reiterated that he did not want to have to talk this
17 evening or hold up others. However, he said he needs somebody to work with him, in earnest,
18 and daily if it required, now to December, with hoping it is in the same time frame that meets
19 their needs as far as moving this forward. Mr. Campbell said this is a pretty big component and,
20 not having the iPark people present this evening is a little tough. He told Mr. Flaherty he
21 obviously knows that he knows the complexity and understanding of this project, but this puts a
22 whole other layer that needs to be discussed. Mr. Bryant told Mr. Campbell that it will ultimately
23 happen, but he does not think the Board necessarily needs to be concerned with all the details;
24 the professionals are going to work through that. He said that, ultimately the Board will be told
25 there is a plan in place and a Resolution would be prepared with the details. After the discussions
26 this day with the Health Department, he said the Town is going forward. Mr. Flaherty said it is a

1 complex thing, the solutions are there and could be worked out. His understanding is that it takes
2 about 4 months to set up a Water District; it is very doable, and they just need to get together to
3 work out the path. He said the beauty is, whenever it is worked out, the next one will have a clear
4 solution – and hopefully, a distribution pipe. Mr. Campbell said Yes, to get through any future
5 projects too and that this doesn't become a factor.

6
7 Mr. Flaherty thanked the Board for their time.

8
9 No one was else was present to speak for or against the project.
10
11
12
13

14 **MOTION made by Richard Campbell, seconded by Sarah Bledsoe, to adjourn the**
15 **iPark-A Public Hearing to September 13, 2022. Voted and carried unanimously.**
16
17

18 Mr. Bryant asked if another application was expected for a subdivision, and what happens in the
19 interim. Ms. Beldsoe asked about SEQR. Ms. Robbins said she did not think the application, the
20 EAF contemplates the subdivision and that, right now, there is a site plan that shows this as a
21 condo. Mr. Wojciekofsky responded that he will work with Ms. Robbins and to keep the Hearing
22 for September; if more has to be done, it could be adjourned. He then thanked the Board.
23
24
25

26 ***PUBLIC HEARING:***
27

28 **Montage Subdivision, Route 52 (6656-00-802836)**
29

30 **Applicant is seeking subdivision approval for a proposed cluster subdivision with 122**
31 **residential lots on a 385.5-acre parcel.**
32

1 Richard O'Rourke, Esq., Law firm of Keane & Beane, P.C. Mark Cannuli, Senior V.P. for
2 Development at Sharbell, Dutchess Inc., Peter Russillo, Senior Project Transportation Engineer
3 from Collier Engineering, the project consultants and Mark A. Day, Day & Stokosa Engineering,
4 P.C. were present.
5
6

7 **MOTION made by Richard Campbell, seconded by Sarah Bledsoe, to re-open the**
8 **adjourned Public Hearing for Montage Subdivision. Voted and carried**
9 **unanimously.**
10
11

12 Mr. O'Rourke introduced himself as the attorney for the project and stated the others with him,
13 who were present for the matter. He said it is recognized that there have been major submissions
14 along the way, since the Public Hearing was originally opened, including New York State
15 Department of Transportation. He said Mr. Cannuli would take the Board through what was
16 done, before it is opened up for the Public, which might be very beneficial.
17

18 Mr. Cannuli came to the podium and introduced himself, stating that the project was last before
19 the Board on October 12th (2021) and, before that, on September 14th (2021) at a workshop
20 format. He said, since that application, they were asked to do a few things and, at that Hearing,
21 the application was presented in great detail. They've had their engineers testify, they provided a
22 large overview of the project, history of the SEQRA, which he said he would not go into again
23 and thinks this is beyond that. He said the project has been taken from then through several
24 meetings with staff; they were asked to coordinate staff with the DOT meetings and the ongoing
25 application. He said Mr. Fitzgerald and his company were involved in a meeting early in January
26 this year and they walked through a conceptual of the circle. There were meetings with the DEC
27 and staff to talk about the permits needing to be modified. They are now proposing a centralized
28 water and sewer system to serve the project; they know what they need to do to get there and to
29 get the permit updated. He said those meetings were held earlier this year. Several meetings have

1 occurred with the Town staff, Mr. Bryant and his assistant engineer as well, to talk about the
2 specifics onsite – water and sewer, utilities, and how they would feed the project, as well as their
3 offsite combined sewer system. He said it would be a forced main system that would be designed
4 with onsite pump stations that pump from this site, up Route 216, to a regional pump station,
5 which would then pump all the way up through Philips Road, under the Fishkill Creek to the
6 existing Four Corners Wastewater Treatment plant. Their engineers have been engaged in that
7 effort and he said the preliminary location of the lines are pretty much established for how this
8 project would tie into the adjacent neighbor, Summit Woods. He said this has been talked about
9 and is conceptual but, without getting into the details and engineering. Offsite analysis has been
10 done with GeoTech, root survey is done, and they know what is underground. They have talked
11 with the Dutchess County Health Department, about vertical separation of the pipes and they are
12 getting an understanding of where those pipes will go and how they get up there. He said they are
13 also working with the Town on its part and their analysis of the existing Four Corners
14 Wastewater Treatment plant, what would need to be done there and what upgrades would have to
15 occur in order to tie in. He said he has the dates of all the meetings and did not think they needed
16 to be put on record specifically, but those occurred from December last year through as late as the
17 past Wednesday (August 3rd), a recent meeting with staff to talk about both projects and where
18 they are. He said they had a chance to review CPL's memo dated June 22, 2022 and HVEA's
19 memo dated June 15, 2022, the Town's consulting Traffic firm. These comments were addressed
20 verbally and he said the items that were asked can be accommodated and the final plans and
21 details will be updated as this proceeds.

22
23 Mr. Cannuli continued, saying that, at the last Hearing they were asked to talk conceptually at
24 that time, about the Phasing and this plan was displayed. He said he wasn't prepared with an
25 actual exhibit then. He said it was a good question, about how the water system would be
26 connected from this site to the adjacent neighbor, and also connect to the Town water system.

1 that some of the changes that were made. He pointed out on the Project Phasing plan that it
2 appears there are 4 phases, but that Phase 1 and 1A are really the first phase. He explained that
3 what was highlighted in red was the main portion of Phase 1, which would:

- 4 - bring the main road into the site,
- 5 - get the excavation under way
- 6 - start with the basins that need to go in early
- 7 - and the bridge crossings that need to go in.

8
9 He referred to the blue area, saying Phase 1A are the 2 major improvements to the traffic
10 improvement at 216 and Route 52, and then the secondary, emergency access would be necessary
11 if they were to proceed prior to Summit Woods. What is shown in the SEQR documents as 22 ft
12 wide emergency road he said would need to be built and expanded to their standard and that
13 work would have to be done in advance by Montage. He said, should the other option occur
14 where Summit Woods were to proceed, the displayed plan shows how Summit could connect
15 through the red Phase into the upper portion of the red Phase, where the 2 wells are, and get
16 water supply. He displayed an overall picture of how the 2 projects could be developed
17 independently. The sewer system offsite sanitary force main and pump station. They are studying
18 the ability to connect the water as well and he said those could occur in 2 different routes. One
19 would be from Montage, through their main intersection, around the circle and through the circle,
20 up 216, all the way up to Phillips. The adjacent neighbor, Summit Woods would connect up 216
21 or converge at the gas station or on location of the regional pump station. There are some options
22 and he said they are going through the analysis of what is best, most feasible and what meets the
23 Town's requirements for a pump station in that part of the Town. He said that was the update on
24 the sewer and that there was a little more to it. He said Montage's engineer is doing some
25 hydraulic modeling of the water needs in Four Corners and how the system could be tied
26 together, whether a secondary source for backup emergency water or if it just equalizes the

1 system. He said he would leave that to the engineers and the details are well underway. The well
2 itself needs further study. He said there are some water quality analyses that back in 2006, when
3 the wells were drilled, they were not around. He believes the groundwater direct effluence is
4 sorted out and they will provide those details, including if additional testing. He said there is
5 GeoTech testing that Mr. Fitzgerald asked to occur at the bridge locations and that is underway.

6
7 Mr. Cannuli said that the formation of a Montage at East Fishkill Homeowners Association
8 (“HOA”) was talked about. Initially it was thought the HOA onsite would own the sidewalks, the
9 lighting, stormwater facilities. However, he said they met with staff and understand that there
10 could be a better way, which they would opt for, in continuing to finalize the plan. He said they
11 could have a HOA own and maintain the onsite private passive open space and the larger would
12 be held by National American Land Trust with easements and that they are very interested in
13 holding these environmentally sensitive areas. There will be no wastewater treatment on the site.
14 He said they are talking about establishing a Sidewalk district, Lighting district and Stormwater
15 district, which could then be additional taxes and fees on the residents’ tax bills. He said this
16 would fund the Town taking easements for a dedication of roads improvements that would then
17 be managed by the Town, the way it has been done in other areas. They are still talking through
18 these points, and he said they will leave it up to the attorneys for those details. Part of the project,
19 as everyone knows, is the connection of the water system. The Town has asked Montage to
20 connect their wells and there are talks about the donation of their wells to the Town for an
21 additional water source. It is something being offered but, he said, before that occurs, they need
22 to be made sure that those high producing wells, the quality of those wells, are feasible to do
23 what they are being asked to do. He said they are pretty close to that conclusion, and they are just
24 trying to understand the science and how that is going to occur.

1 Mr. Cannuli said their engineers were present, their Traffic engineer and their company president
2 was not present this evening. He said he did not know if he needed to go into greater detail about
3 the plan, but there were some upgrades that were talked about for the circle. Initially, a 4-lane
4 traffic circle, not only to deal with their traffic and main lane, but also to calm traffic, and to
5 make a safer intersection. On one of the review memos, he said the Town had asked if they
6 could connect sidewalks from this development up to the Dutchess Rail Trail. He said Mr.
7 Russillo put together a plan that shows, conceptually, a sidewalk that would tie into Montage's
8 sidewalk on the west side of their main driveway. He said it would then exit the site, cross over
9 the eastbound, westbound Route 52 lane, over to the adjacent property, where there was a
10 subdivision talked about earlier that is near there. Then, it would continue up, over, what would
11 have to be a relocated driveway, because the current driveway comes right out at that point. It
12 would remove that conflict he said, and then the sidewalk would run to the edge of the project,
13 which, would be an early improvement. They would commit to not building Phases 2 and 3 until
14 they got this improvement in. If this precedes their neighbor, Summit Woods, he said they would
15 have to build that emergency access as well.

16
17 Mr. Cannuli displayed the rendering of a single-family home with garage, saying the conceptual
18 architecture had been talked about last time and that they are in the process of going through a
19 little redesign. They are still the conventional homes, but more maintenance free materials are
20 being utilize, which will take a little change. He said if they need to come back to show the
21 Board where they are going with this, they will come back to do so, with greater detail. They will
22 range in size from 2,400, 2,600 to 3,000 sf and, as mentioned at the last meeting, they will run in
23 the mid \$600,000 here in East Fishkill.

1 Mr. Cannuli said he did not have much more to offer and that they were present to answer any
2 questions and to hear more from the Public. His understanding was that this would be coming
3 back and he said he would let their attorney speak as to what they want to accomplish.

4
5 Mr. Eickman asked if there was anyone to speak with questions or comments for the project.

6
7 Neil Palladino, 45 Honeysuckle Court, Stormville, approached the podium saying he had been
8 coming for many years about these projects. He said he was always under the impression that the
9 water was coming from Four Corners, and he asked if that was not the case anymore – or, is it
10 coming from wells on this property. He explained that questions would be asked by the public,
11 collected, and the applicant would come up to answer the questions all at one time. Mr. Palladino
12 asked when this had changed, as far as he knew, it was always coming from Four Corners. Mr.
13 Bryant wanted to speak to this, saying that, at one point there had been discussions about drilling
14 more wells at Four Corners to provide water to this project. Sine that time, he said there had been
15 some well issues at Four Corners and they are actually under some restrictions right now at Four
16 Corners. Through this whole collaborative process, he said there are wells at this location, based
17 on 2006 when, at that time they had good water quality, and it has been rather mutually agreed
18 now that Four Corners would benefit from the wells from this project. He said the details are still
19 being explored and the yields and they would benefit more from this. Mr. Palladino said that is
20 15-year-old information and Mr. Bryant responded that it is being updated. Mr. Palladino asked
21 how this would affect his well, which is the next street over. Mr. Bryant said they do a 72-hour
22 pump test, the hydrogeologist verifies all the DEC regulations and the monitoring of wells. He
23 told Mr. Palladino that he did not know if his was one of the wells being monitored, or not, but
24 that there is a provision in place to assure that local wells are not affected; the DEC is the
25 regulatory authority. Mr. Palladino asked if there was a way that he could request that his well is
26 one that will be tested; these guys have been coming here forever, they do not care about them.

1 Mr. Bryant said he could request it, certainly, and it is where his well is in proximity to the new
2 production. He said they are always looking for new points to monitor. Mr. Palladino said this is
3 coming up right against his property. Mr. Bryant told him to just send him a email with the
4 information of when he would like the testing to be considered.

5
6 Brandt A. Miller, 19 Southern Drive, Stormville, approached the podium, saying he knows there
7 surrounding wetlands and that part of the plan includes water retention ponds onsite and
8 stormwater management. He said if, during construction, would there be a SWPPP in place with
9 the DEC, managing stormwater pollution and prevention. He said that cloudy water at that site
10 would affect a lot of low-lying areas and spread very quickly with flat land wet much of the
11 season now and contamination of those properties could have an impact. Mr. Eickman asked Mr.
12 Cannuli if he would want to respond to this type of question. Mr. Cannuli came back to the
13 podium, saying it is a very good point and has a lot to do with how property is designed, and
14 projects built. He said a lot of their stormwater management will go in early because there are a
15 of things that they have to comply with; Mr. Bryant will be onsite and the Town will be
16 inspecting what is being done there. A SWPPP was submitted in May, and it all gets reviewed
17 with their DEC comprehensive permit process. Mr. Bryant said it is not there yet, but that
18 certainly there will be an environmental monitor on the property as a condition. Ms. Gee said that
19 is typical for the Town.

20
21 Mr. Palladino returned to the podium asking if there is a “Plan B” if the wells are affected to a
22 negative standpoint if the water is not coming out; what is the next stake, what is the plan. He
23 questioned if they are just counting on this and what if it doesn’t work; does it all just go away.
24 He said there must be another plan coming up. Mr. Eickman said that the water issues would be
25 addressed after the comments are heard.

1 Jennifer Cauthers, 28 Gung Ho Road, Stormville, approached the podium, stating that she lives
2 across the street from the 2 sites. Her concern is also with the water, and she said there are a lot
3 of houses going in and a lot of water being taken away that hasn't been for a long time. She said
4 there are 20 acres of wetlands across the street from these properties that have Bog Turtles. The
5 projects have a huge impact on the properties not far from them and she said they are very
6 interconnected with the water. She also commented that she has not heard about what is
7 happening with the schools with adding close to 400 homes. Gayhead School is packed, and she
8 asked what was being done for the schools.

9
10 Yvonne Caliguri, 3 NY-Route 216, Stormville, came to the podium, stating that she lives in the
11 Red Bird Farm and has been watching this project for the past 20 years. She does not understand
12 why there is building on the biggest wetlands in Dutchess County, and everyone is concerned
13 about wetlands; there are a lot of houses in a very small area that is already congested. She had a
14 complaint that the sign had been up for 6 months, in water, not in scripto and once it went up and
15 got wet, it could not be read. She said she met with them the other day; they were doing the
16 scripto and signs that they are used to seeing were being put in that could be read, without all the
17 writing. They stated when the meeting was but, in 2 days, she said the signs were gone and she
18 thinks there may have been more people who would have attended this evening if they were
19 made aware of it. She said that, for 20 years they have been pushing different projects and the
20 cost must be astronomical; the goal is money here, and not for protecting the Town, the people,
21 roads and infrastructure. She said the water is a huge problem and it will affect her well also. She
22 knows the first thing that is done is a perk test when building a home to make sure of water and
23 sewage, which, she said, this property has neither. She doesn't understand how this can be built,
24 construct big monuments to get water and sewage plants to get of the sewage when it is not
25 buildable land. With regard to the water, she said there is a very well-known problem at Four
26 Corners, and she questions that this project is going to save that project; that project is a failed

1 project to begin with. Another huge tower is being built to save that project and, referring to Mr.
2 Palladino's question, asked what if this plan fails. She would like to hear of another plan as well,
3 because she lives here and she said she doesn't know if this company lives here, but they need to
4 get their money back at this point after 20 years of this and go., She said it is not only Montage
5 Homeowners Association, but now East Fishkill is getting roped into this. Looking at the
6 displayed plan, she referred to the building Lot 75 to 110 with a 2,000 sf to 3,000 sf. She said
7 everyone probably knows how big the Red Bird Farm is, about 3,500 sf. She is on 4 acres and 75 x
8 110, she said her house size multiple next to each other; that is a lot of building, and it is on
9 wetlands, which she thinks is crazy. She said then the water is being brought all the way up to
10 Fishkill, crossing another creek, which is another wetland structure. She reiterated that she is
11 having a hard time with this and it's been going on for 20 years. There will be major disruption
12 to the ecosystem, major problem at the intersection, huge increase in traffic congestion, trucks
13 coming down with one traffic circle and she sees by Vassar where there are 2 or 3 traffic circles,
14 which, she says, slows people down. With one circle, and trucks coming down and people going
15 around, she feels there should be at least 2 circles. She said she doesn't know if it is because they
16 don't have the land, or the money, but that this is a major problem. She asked for the picture of
17 the traffic circle to be displayed again, saying that there is no reference as to what is going on.
18 She said the picture doesn't show where her house is, where the project's property is and it is just
19 a picture of a traffic circle. Mr. Cannuli pointed out what she was questioning. He told her he had
20 met her the other day and showed where her house is, on the northwestern quadrant. She
21 mentioned the walkway and where people would walk across the street. Mr. Cannuli explained
22 that this was a conceptual plan for a sidewalk that would connect from the Montage project. He
23 pointed out where the Red Bird Farm is and the sidewalk where it connects to the western side of
24 the circle, get to Route 82, where there is an ADA accessible ramp, then cross over a cross-walk,
25 18 ft wide, to the northern side of Route 52, and continue up that side all the way up to the
26 project limits. He told Ms. Caliguri he believes this runs across the frontage of her property, with

1 a sidewalk in the right of way, through the right of way, out to the end. He said he heard earlier
2 this evening about connecting the sidewalk to the Rail Trail, in between some houses. Mr.
3 Miyoshi asked where Ms. Caliguri;s driveway is currently on this picture, as there was a
4 reference that it would have to be moved. With the cursor, Mr., Cannuli pointed out on the
5 displayed plan the location of Ms. Caliguri's driveway, saying the plan would show the
6 relocation of that driveway, telling her she wouldn't pull out to the intersection anymore. Mr.
7 Miyoshi said then the island is in the front, blocking her driveway and questioned if she wants to
8 make a left to go into Stormville, she would have to go out, around the circle, and come back
9 around. Mr. Cannuli said if she wanted to make a left, she would go across. Mr. Miyoshi said
10 that, to him, it looks like there is an island and Mr. Cannuli explained that it is a striped island.
11 He said she could come out of her driveway and head north, or come out of the driveway and
12 head east, around the circle, which is no different than heading to the intersection. Ms. Caliguri
13 said, however, she has to stop there while there are cars and trucks coming behind her. Mr.
14 Cannuli told her he would let the Traffic Engineer explain this. He said there would be signs in
15 place.

16
17 Ms. Caluguri continued, asking how many cars are expected from the Montage and Summit,
18 separately. Mr. Eickman said the Traffic Engineer would be asked to respond to that She
19 questioned if it is designed for only one way out of both the developments, onto to Route 216,
20 and no secondary on the other side. Mr. Eickman responded that Mr. Cannuli could speak to that
21 again, there is a provision. Ms. Caliguri asked the size of this and exactly where it will be and
22 Mr. Cannuli displayed the picture with the location, stating that the design was different now.
23 Ms. Caliguri asked if that showed the right of way location as of now and the driveway. Mr.
24 Cannuli said it is hard to see and pointed out where Route 216 runs, goes into the right of way,
25 comes further away from the first light and where the driveway will be located it will tie into the
26 existing location. He said it is a full realignment; the dangerous corner would be realigned. Ms.

1 Caliguri asked how it is proposed to finish her driveway. Mr. Cannuli told her that is why he had
2 reached out to her a few times and had not heard back yet after sending some emails. He said
3 they wanted to speak with her about building connection on her property and restoring location
4 with a safer access, without making major impacts to the current vegetation coming out. He
5 stated that this is something he will commit to. Ms. Caliguri responded that she appreciated that.

6
7 Ms. Caliguri said there is a huge bat population at her house, and they feed off the project site's
8 wetlands; that is why they live where they live and they've been there for 100s of years; they
9 can't be rid of and are protected. She asked what the Town would do when the people start
10 complaining about the bats not killing the mosquitoes; she says she lives with the bats and not in
11 the wetlands. Mr. Cannuli came to the podium, saying, when this was going through the series of
12 SEIS, FEIS, and Ms. Gee was Chair at that time, there was a survey of the Indiana Bat requested.
13 He said that study was done and is in the document; they can't clear in the winter and only during
14 the breeding habitat time they can only do tree clearing.

15
16 Mr. Cannuli said that he keeps hearing they are building in a wetland and said the plan that is
17 displayed was a cluster residential subdivision; the R-1 zone allows much larger lots. This was
18 their preferred option after studies and years of going through the public hearings and dealing
19 with the DEC and all the agencies approving this project. It was that the cluster subdivision
20 design that would be the least impact on the environment. He said not one of the individual,
21 future homeowner lots fall within an adjacent area, 150 ft wetland buffer, or within a wetland. He
22 said they have only crossings, which were always shown on the plan- the prior plan and this plan
23 – that cross at existing farm road locations. Those are permits that are underway with the DEC
24 and will be granted all with the water supply permit, and all the others that come with it. He said
25 only 62 acres are being developed of the 340 acres of the property. Mr. Campbell asked if this
26 makes mention of the property that will be in the donation process. Mr. Cannuli said the wetland

1 mentioned earlier, the wetlands areas, through a conservation easement, are dedicated to the
2 North American Land Trust, who become stewards of the land. Mr. Campbell asked how many
3 acres that would be and Mr. Cannuli replied that it is over 217 acres; the exact figure is in the
4 Findings Statement, which is easy to get to. He said he didn't mention earlier for the Board and
5 the public but the website is www.montageateastfishkill.com and it has been up for about 15
6 years. He said they have been uploading documents to a server and, at the last hearing, it was
7 requested of them to upload all the details; the detailed subdivision, the preliminary subdivision
8 plan, all of the traffic engineering plans. He said the new concept for the traffic circle is on there,
9 as well. They can be printed out to be seen better and he emphasized that they have all been
10 updated; the public can access this as well.

11
12
13 Tirtsa Malavenda, 2854 Route 53, Hopewell Junction, returned to the podium, saying some of
14 her points had already been addressed. Regarding the wells, she said she also had been confused
15 about the wells and now she is even more concerned about her well. She asked how she could get
16 her well tested; what is the organization, the process. Mr. Campbell said a request could be made
17 to the Town through an email and she would have to have a location, proximity. She asked about
18 the sidewalks crossing over and if they would have line, blinking lights. She said it is a little
19 hairy there now and what will there be besides little lines on the road. She is assuming with 400
20 houses there will be people with kids, bicycles and she said it is not a little walkway. She said
21 there is one in the Town for a bus stop. Mr. Campbell asked her if she had been up to the
22 Dutchess County Airport area where a new traffic circle has been installed, where there used to
23 be a crazy light system. He suggested she go up there to get an idea. Ms. Malavenda said she is
24 concerned about light pollution and sometimes she wishes she had her own private spotlight to
25 get out of her own driveway, because of Route 52. She asked if the purpose of this was to slow
26 traffic down. Mr. Campbell said the intersection is awful, from all directions. Ms. Malavenda

1 said when she first moved there 35 years ago, there was a horrible accident where helicopters
2 came in. Mr. Eickman told her that the traffic engineer will be asked to speak to the traffic issues
3 regarding the traffic circle and circulation. Ms. Malavenda referred to the stream up by Phase 1
4 on the plan, stating that it causes all sorts of chaos along Route 52, for all the houses to the
5 Taconic. She said sometimes those people are flooded for a day, a week She questioned how this
6 would affect people, including herself, who have a culvert, culvert drain, a big round pipe that
7 runs through there with millions of gallons for all these years. In general, she said it works.
8 Someone built a beautiful rock bridge, and she is concerned if that will be affected as well as
9 others with the numerous houses in Montage. She said some would be affected with less water
10 but questioned if the others be affected with more water because of the development. Mr.
11 Campbell asked if she was talking about stormwater and she replied it is the stream, in general,
12 but when there are storms it is bad so it must be stormwater. She asked if the public wells get let
13 out like dams and although the stream looks pretty, she reiterated that it is sometimes chaotic.
14 Mr. Eickman told her the applicant will be asked to respond to the stormwater with a
15 comprehensive stormwater plan, which will be reviewed extensively by the Town professionals.
16 She had another concern, besides the water, about things from the construction ending up in the
17 stream and said just one board blocking would cause a problem with her culvert; would her
18 house flood. She said it is a small rural town that got big and things are going to happen that one
19 can't anticipate. She said if she calls the Town to say she has blocked drain she doesn't want to
20 be told to call some construction outfit when it is not her who caused this. Mr. Eickman told her
21 that there will be an environmental monitor that is required for the project, who will keep an eye
22 on what is goingn. She said it is a stream that runs into Fishkill Creek and her culvert has worked
23 for 35 years but there are other people who know nothing about this construction. She asked if it
24 was the North American Land Trust and someone answered yes. She asked if the houses are
25 individual and do they touch each other in a cluster. She asked if the garbage trucks would be in
26 the front of the houses and privately managed. Mr. Cannuli said people would have individual

1 cans and she said that was good as she didn't want to be looking at stuff. She borders all of Phase
2 1 and referred to the trees, saying she wants to be sure there is more than one tree width left; she
3 wasn't sure what the plan showed as being light green. Mr. Cannuli responded from his seat in
4 the audience, but he was not audible. She said behind her house is trees and no meadow; she
5 wants her trees to stay and does not want meadow.

6
7 Daniel Cuccia, 3085 Route 52, Stormville, came to the podium, stating that there is a traffic
8 circle planned and asked if there was a plan to change the speed limit on Route 52, from 55 down
9 to 45 that enters the circle, then there is the cross-walk that enters through there that is also a 45
10 miles an hour zone. His concern is people crossing there with the 45 mph and potentially getting
11 hit. He is not a fan of traffic circle and rode one with his motorcycle; they are not the best option
12 in his eyes. He referred to the area in white on the plan, saying he believed it is Robert
13 [Tremson's] property, RTI and asked what would happen when the last phase goes in and people
14 start complaining about the noise; what happens to his business. He asked if the complaint would
15 be to the Town to have them shut down; He lives across the street from there and said he knows
16 the noise that happens, all day long, from 1 a.m., in the morning, to 4 p.m., in the afternoon. He
17 said those are basically his concerns.

18
19 Mr. Eickman asked that anyone speak once, in the interest of time this evening, but if there are
20 comments.

21
22 Ms. Malavenda came back to the podium, saying there was a lot of nature change, with the
23 beavers, and changes in the waterway that she is not sure they are aware of, and asked what the
24 plan for these critters is.

1 Ms. Caliguri returned to the podium saying she is naturally against the traffic circle. She pointed
2 out a section on the displayed plan, asking about a bridge and if it was ever discussed about
3 coming out the other side. Mr. Eickman said Mr. Cannuli would speak to this for everybody. Ms.
4 Caluguri said she remembers it was discussed a long time ago and poo pooed and, with Route 52
5 there, it is such a crazy spot.

6
7 A gentleman named “Joe” (last name could not be deciphered on sign-in sheet) came to the
8 podium asking if the gentleman doing the traffic survey could include the speed limits for a good
9 2 miles in either direction. He stated that traffic circles are never improvements or mitigations to
10 problems like this. He said a 45-mph lane is going down to a stop and tractor trailers come down
11 that mountain all day. He is across the street, and he said the air brakes can already be heard all
12 day and now he will hear more air brakes all day because of this being taken down to a stop for
13 the tractor trailers. He asked about an assessment for the quality of life that this will bring to the
14 neighbors there as well. He is also concerned about going through the traffic circle and up
15 Stormville Road like a racetrack and if it becomes an issue with everyone getting through the
16 traffic circle and making it up the mountain in third gear, and it will be taken back to his home.
17 He said he is probably the lowest lying piece of property, with several acres of wetlands. He is
18 also concerned about the water quality. He said he spoke with the DEC about the beavers on his
19 property and was told that it is his requirement to maintain it. He asked about the land trust that is
20 being given the land and what is their maintenance requirement, who, and how often with the
21 maintenance requirements be surveyed. He said he did not know how often there are public
22 meetings like this but stated his concerns: the fire house is small, there are not too many fire
23 hydrants, the police department is big, there are an assumed 2-3 kids per household and there are
24 the schools, besides the fire and police, plus hospital, distance per family, urgent care and
25 requirements for those factors. He questions how this will affect the quality of life for the current
26 residents. He then thanked the Board.

1
2 Another gentleman came to the podium, whose name could not be deciphered on the sign-in
3 sheet. He stated that it is known the Green Haven is now the induction site for the Penal system;
4 there are now prison buses, prison vans, all days and times of the day and night, coming through
5 there. He questioned the impact of Old Route 52, Routes 52 and 216, the whole way to the Post
6 Office and the dangerous triangle that everyone knows about. He asked how the speeds would be
7 affected, there is the Rail Trail opening, there are signs there that the State put in, that tell
8 bicyclists to stop, get off their bike, and walk their bike across. Many times, people have come to
9 a screeching halt for no reason, or people just zip through there and wonder why they are being
10 beeped at. He stated that whole area will need to be looked at for the public safety. He said the
11 gentleman mentioned about the fire department, which everyone knows is volunteer and he is
12 concerned with the impact on that. He questioned if there will be hydrants that will actually
13 support fire suppression and not put in for looks, only to find out 5 years later they cannot
14 support it, which has happened in various communities.

15
16 Kimberly Rode came to the podium, stating that she agrees with all the comments that have been
17 made so far and that the traffic circle is a major concern. The crosswalk is an extreme major
18 concern, and she lives in Devon Farms, Stormville Mountain Road. She said she understands
19 because Stormville Mountain Road is a speedway, and all these things are true. She is very
20 concerned also because Route 52 becomes a major thoroughfare when Route 84 is clogged up. If
21 84 is stopped, she said everybody diverts to Route 52. There are lines that start on Route 52 at
22 3:00 in the afternoon and she said there will be a traffic circle put in, with large trucks there and
23 this is setting up for disaster. She has 2 young children, and the crosswalk is a major concern
24 about those using the Rail trail in the future, that they will have the ability to cross Route 52
25 without any sort of signal or stopping, which is very concerning for her. As far as building on the
26 land, she said she has seen so many areas here that have been approved to build, they have

1 started, meaning the land has been clear cut, and they have stopped; it has failed, it sites. She said
2 it is upsetting because it is a beautiful area, she moved here 15 years ago, the area is well known,
3 and this area was sought after because of the way it is designed, right now. She said, if big
4 developments are brought in, the aesthetics that are absolutely loved here will be lost. When the
5 400, or whatever it is, homes come in, she said there will be use of pesticides, fertilizers, which
6 will leach into the wetlands, no matter how hard they try, they still will. She grew up in a lake
7 community and said the lake community now is not able to use fertilizers because of algae
8 blooms so many times that people cannot swim there anymore. Despite best efforts, she said
9 these things cannot be prevented from leaching into the water, as well as the salts used on the
10 roads in the winter leaching into the water system, which cannot be stopped, no matter how hard
11 people try. She said these are the things that are concerning to her that can change the ecosystem;
12 the bats are being taken out, their land cut down, and their trees cut down in the middle of winter,
13 with nowhere for them to go. Like what was brought up before, she said this will result that the
14 insects will increase, the need for pesticides will increase, and these things will be seen leaching
15 into the water. She thanked the Board.

16
17 Tony Sozzo, Route 52, Hopewell Junction, came to the podium, stating that he is the first house
18 to the left of the cluster of homes in the Tucker subdivision. Essentially, he said he is across the
19 street and just down from the entrance. He wanted to go on record and talk about the traffic
20 problems and said he is concerned about the wells, but that will be addressed. He cannot open his
21 windows at his house now because of the noise of the traffic on Route 52. He did not now there
22 would be a crosswalk for people so that is really concerning to him as well. He said there are all
23 the 18 wheeler trucks and they have to slow down. He questioned the noise from when a truck
24 needs to slow down but then start up again, saying it is gear after gear after gear. He said he has 6
25 homes coming next to him, there will be 400 homes, 600 cars easily, He said he respects the
26 Board, remembered Ms. Gee going way back and rhetorically asked the Board what they think is

1 being done to this Town. He questioned what they would think will happen to this area, with
2 Stormville Airport gone, another 300 homes coming in, crosswalk, trucks, kids, cars and as a
3 woman just said, all the environmental changes as well. He told the Board they all have to
4 caucus, put their heads on a pillow tonight and just ask themselves what is happening to the
5 Town; is this good? He has been here since 1986, but said he has family that goes back further.
6 He questioned if that much more taxpayer money is needed; he thinks they are doing okay. There
7 is \$3.25 for every 1000 He reiterated that the Board Members ask themselves what is happening
8 to the Town and if they are good with that and said he would ask this of the professionals as well.
9 He thanked them for the opportunity to speak and Mr. Eickman thanked him.

10
11 There was no one else from the public to speak and Mr. Eickman asked Mr. Cannuli how he
12 wanted to proceed; did he want to start with the traffic engineer.

13
14 Mr. Cannuli came to the podium, responding that there are several issues which were issues
15 already talked about, in detail, during SEQRA, of which more information is be asked. The well
16 study was done in 2006, drilling into the bedrock wells, the 72-hour test and he said their
17 hydrologist was not present this evening to provide this information, but the testing was done. He
18 told the Board these are the things that they may want more information on to supplement some
19 of the questions. He said the traffic engineer was present to talk to the details and how this want
20 from the 4-way intersection with the light, to where this is today; the traffic circle with the
21 sidewalk on one side. He said the engineers were present to speak to the SWPPP stormwater and
22 multiple basins in this project that contain the stormwater, how it was addressed, and that they
23 can answer some of those questions. He said he touched on the issue of the bats; those studies
24 were done, and they are restricted from clearing trees during certain periods of time The fiscal
25 analysis of the project was done regarding the number of homes, number of kids, the amount of
26 the taxes that would be paid and he said some of those matters have been answered and

1 addressed. He said he would defer to the Board if they feel there is more information that they
2 need and he will provide it for them.

3
4 Regarding the adjacent property, Mr. Cannuli said the owner has a mining permit and he has a
5 concern as well. Homes must be notified and it has to be disclosed in the Homeowner documents
6 that they are near an active mining permit, and it is something Montage would have to disclose.
7 They have some of the same concerns as some of the current residents. With regard to the beaver
8 issue, he said they deal with these things from time to time and they move back into their area; it
9 is a DEC issue and how it is addressed by them is regulated by the DEC. He said he would give
10 the Board more of the background of North American Land Trust and who they are. This group
11 was brought up during the SEQR process and the easement that they would hold were provided
12 to the DEC. He said the DEC reviews that document and a certain fee is paid to them over time
13 for their yearly maintenance of that land. He said they go out and do additional studies, review
14 the wetland conditions, the construction activity and report back to the Homeowners Association
15 and if there's anything wrong, it is addressed. Mr. Cannuli said he would be having Mr. Russillo
16 from Colliers speak to deal with the truck noise, braking, speed limit, lighting, signal for the
17 crosswalk, if it is necessary. He thinks these are the main issues and said there are issues he
18 would like to address with the neighbor across the street on how they would like, as the applicant
19 owner, developer, to address the current situation with the driveway, committing to an
20 agreement, to meet with them onsite, meet with the Town engineer to come up with what they
21 believe is a safe solution for that property to access the circle. He is not making any decisions;
22 this goes through a series of applications and correspondence with DOT, which he said is about
23 halfway into the process. He said he would let Mr. Russillo and the professionals discuss and the
24 traffic circle is the big one to get on record. He reiterated if there were any details wanted from
25 all the documents, they can be pulled, as needed.

1 Mr. Russillo came to the podium, introduced himself, saying he is from Colliers. It is shown as
2 Maser (Consulting) on the paperwork, but was merged with Colliers Engineering and Design
3 about a year ago. First, he said, is the number of vehicles that Montage, and Summit Woods
4 would generate. During the morning peak hour Montage would generate 23 entry vehicles and 68
5 exiting vehicles; Summit would generate 32 entering and 96 exiting vehicles during the
6 afternoon peak hour. Montage would generate 76 entering and 45 exiting; Summit would
7 generate 109 entry and 64 exiting vehicles. The Montage traffic is pretty much distributed 2/3 to
8 the West and 1/3 to the East, with a smaller percentage going onto Route 216. This process has
9 been quite long, and he said that originally, the intersection, which became 4-way, would have
10 required a left turn lane being developed on Route 52, both East and Westbound if the signalized
11 intersection was used. That was looked by the State and the alternate of the roundabout came up.
12 He said the State actually encourages roundabouts; one obvious reason is that a signal does not
13 need to be maintained when there is a roundabout. Another reason is that it is a very good
14 measure to obliterate speeding on the highways. They have gone through a couple reviews with
15 the State and the design was modified for the approaches to the roundabout and there are very
16 slight reverse curves that are in them that slows down all types of vehicles. Some pavement
17 width was increased with striping added to highlight the fact that there is a roundabout. There
18 will be advanced signing and speed reduction signs on each of the 4 approaches to the
19 roundabout. He explained that the intent is a moving queue; there are no vehicles stopping and
20 starting up. The vehicles come into the intersection and will move in a yielding way on all 4
21 approaches. In terms of the crosswalk, he said they actually did a study, today no one walks, and
22 the video shown over the course of a day showed no pedestrians. In this case, he said the State
23 would say there really isn't a demand, but the developments are coming, and he understands that
24 there is the desire to have it. They produced the plan with a crosswalk, and he said it is likely the
25 State will want a crosswalk around all 4 approaches, which would be their normal policy. He said
26 they showed the crosswalk on the West side because that is where the development comes in and

1 goes up to 216, up to the trailway. Sidewalks have to be within the public right of way, and he
2 said they have to fit; they cannot be on private property. What is allowed on the private property
3 is stone dust paths, but they are not ADA compliant, so they want sidewalks, in the right of way.
4 The crosswalks, wherever they are, he said can be outfitted with RRFB, reflecting beacons that
5 are placed right at the crosswalk, where the pedestrian pushes the button and there is a very
6 bright flashing light, in both directions, indicating that someone is in the crosswalk and the driver
7 should be aware of that fact. He said the crosswalk has a refuge isle in the middle and it has to be
8 a minimum of 6 ft wide so that, if someone does cross, and there is a vehicle coming on, there is
9 a place for them to be protected, until that car passes. He said the other beauty of roundabouts,
10 even if there are crosswalks in all 4, is the pedestrian has to look in only 1 direction, cross in
11 what they call split around, and then look in the other direction. He said this is safer than an
12 intersection.

13
14 Mr. Miyoshi asked Mr. Russillo to comment on the roundabouts with the tractor trailers that
15 come down that hill. Mr. Russillo replied that everything will have advanced signing to reduce
16 speed as they are approaching the roundabouts and the tractor trailers will have to slow down to
17 negotiate the roundabout. Mr. Campbell asked if there would be rumble stripping and Mr.
18 Russillo replied that they have them on the Palisades Parkway and he did not think the neighbors
19 would appreciate those; they are audible and he said they can be very loud, intentionally, to ward
20 drivers. The State would unlikely put them in, but they are put in at construction zones to make
21 drivers aware there is something coming up. He does not think that would be a permanent
22 solution in this case and there would be plenty of advanced signals. The State may require the
23 roundabout to be lighted and there are different levels of illumination that they require, certain
24 types of fixtures, luminaires in these cases He said the Town may choose to put something in the
25 center of the roundabout, such as a structure, clock, some feature that represents one is entering a
26 particular area. He said they were done in Wallkill and a couple other areas where the Towns

1 make use of that area for their purposes. He said they usually run electric to the center of the
2 roundabout so if they do come in and decide to put in a holiday tree, or festive signing, the
3 electric is there and available to them.

4
5 Mr. Miyoshi asked if there was any thought about turn lanes coming off of the development at
6 52, further along. Mr. Russillo said No, not at this location. Mr. Miyoshi said, not at the circle,
7 but there are other entrances. Mr. Russillo replied that, at the Summit entrance, there are turn
8 lanes The plans have been in and he said comments were just received yesterday; those are being
9 reviewed. He said the first time around with the original roundabout, there was the access to the
10 neighbor coming out to the roundabout and now the State is saying they cannot have this. It had
11 to be pushed farther North, to 216. He said comments are expected from them and they are
12 hopefully the last set. They are sending this type of design to the main office, in Albany. He said
13 it goes out of the reason, goes to Albany, he gets comments from both the main office and the
14 regional office in Poughkeepsie. The changes are incorporated, and they have made the latest
15 round of changes and they are now waiting to hear the final set of comments on that.

16
17 Mr. Arco asked Mr. Russillo to talk about the speed limits and he responded that a request could
18 be put in for it the Town Board would have to put in a request for it. Evidence would need to be
19 provided as to cause for it. The speed limit does change, from 45 to 55 as one goes from West to
20 East, and he told the Board they may want to make it consistent through the whole section both
21 both of these developments going in and there may be a desire to have that reduced. He said that
22 also has to go to the State and the last time they handled it, he thinks it went from the Town to
23 the County to the State in the particular way they have to apply, with it ultimately going to the
24 Secretary of State to get it approved. He said they would like to see them perform speed studies
25 after the fact and if it shows that the speeds are not what they thought they would be. Most of the
26 time speeds are in the 85th percentile for over the posted speed and the intent is to get them down

1 to at least the posted speed. He said the roundabout will do that, and he has no doubts that the
2 roundabout will take care of the speeds in this section.

3
4 Ms. Bledsoe asked if there was any concern with entering the roundabout at 55 mph. Mr.
5 Russillo said that is the whole intent of having the advisory speed signs and there are roundabout
6 signs as well; everyone will know that a roundabout is coming up and there is no way they would
7 not know that. Mr. Miyoshi said she is right; that is currently a 55-mph speed limit and that is
8 where they come down. Ms. Bledsoe said they come down and then straight up. Mr. Russillo said
9 as one approaches the roundabout it goes to a split around and the road actually weaves a little
10 bit, with a wave in it which forces them to slow down to the roundabout.

11
12 Mr. Bryant wanted to add that, in his discussions with the DOT about that very thing of reducing
13 it and they are not in favor of reducing it; it is their road and they will issue the permit. Ms.
14 Bledsoe said it makes sense since it is a very straight road and, why would they. Mr. Campbell
15 asked Mr. Bryant if they issued a decision and he replied that they mentioned the fact that the
16 split arounds would do their job. He said they know exactly what is coming and it is their road.
17 Mr. Russillo said it is a qualified highway, which means that is the road that is supposed to be
18 used. If they can get it off that list, he said then find another way for the trucks to go. Mr.
19 Miyoshi said there is a business at the top of the mountain that loads big trucks on a regular
20 basis, multiple times a day; there will be a lot of tractor trailer traffic through there, every single
21 day. Ms. Bledsoe said then the DOT has no objections to entering the traffic circle at 55 mph.
22 Mr. Bryant said no one is going to be doing 55 and hitting the circle. The intent is, and studies
23 have shown that with the proper signage, cars and trucks will naturally slow down. Mr. Russillo
24 said that the intent and design of it is set up so that they got to about 25 mph and then negotiate
25 the roundabout. On their original set, he said they had what is called an eyebrow coming from

1 216 to 52 West, where all that traffic wouldn't enter the roundabout, but by-pass the roundabout.
2 The State said No, they wanted to slow them down and want them to go through the roundabout.
3

4 Mr. Bryant said he knows everyone has their own opinion about roundabouts, but one thing that
5 hadn't been brought up was the accidents that occur at a roundabout versus an intersection. He
6 said to visualize a tractor trailer going 50, then a red light, and T-boning a car. In a circle, it
7 would be a fender bender. Mr. Russillo said it is usually a side swipe type of accident and Mr.
8 Bryant is right; the fatality rates are way, way down and severity of accidents are way down with
9 a roundabout.
10

11 Mr. Eickman said there is the SWPPP and Stormwater Plan. Mr. Day approached the podium,
12 saying in regard to the stormwater comments, the SWPPP stormwater plan was prepared and is
13 currently in review. The stormwater system is for both these projects and designed with both
14 mitigation of stormwater, up to a 100-year storm. There was a request early on from the biologist,
15 so to maintain hydrology because of the habitat onsite. To answer the question, he said Yes, they
16 are mitigated and done in a way where they are using infiltration basins so that they will be
17 recharging the groundwater and will also be insuring hydrology for the habitat on both sites. Mr.
18 Eickman noted there was a comment from one of the members of the public earlier that there is
19 currently flooding experienced from time to time, and she is worried that could be exacerbated by
20 the project. He asked Mr. Day if that is something that was taken into consideration. Mr. Day
21 responded that the area he believes being referred to is in an existing floodplain and there will be
22 expansive in floodplains in times of heavier rain, especially after times of drought. He said the
23 water will not percolate as quickly, especially in an intensity of a storm and there will be an
24 expanse of that. He said this is no different, this site will generate volume, but it will be released
25 over a period of time. All of the infiltration, stormwater basins were designed to attenuate the

1 storm, hold it onsite and to let it out over a long period of time, so that the impacts remain on the
2 site.

3
4 “Joe”, the gentleman who spoke earlier in this matter, had some additional questions that could
5 not be heard fully in transcription. He spoke with Mr. Day at the podium about the runoff and the
6 basins and asked if it was gray water. Mr. Day responded that it is stormwater. Joe mentioned
7 fertilizer and salt and Mr. Day responded that the site was farmed for over 100 years before so
8 there would already be fertilizer now. He said the design is to let it percolate and has the basin
9 system. Joe asked about the hard ground, the construction material and runoff. Mr. Day
10 responded to Joe’s question, (full answer could not be heard in transcription).

11
12 Mr. Day wanted to touch on the wells that were tested in 2006, saying that there were numerous
13 studies, the yield testing was done and Leggette, Bashears & Graham were the hydrological
14 consultants. He said they also put gasometers all through the site while the draw down testing
15 was being done. He said he believes it is in one of the numerous documents that there was no
16 draw down, no influence, no groundwater influence, and the GWDI analysis, which he said was
17 brought up earlier, was actually addressed by Leggette, Bashears & Graham. Regarding the
18 groundwater capability in the area, he said an expansive drought study was done, which is in the
19 hydrological study, and there is a vast amount of storage because of the geology of site soils. He
20 said full perc 5 were run, synthetic organics, volatile organics and, in his 30 years of practicing,
21 he said these are 2 of the cleanest wells he has ever tested. Mr. Campbell asked if this is being
22 updated and said he was asking since it hadn’t been mentioned and he wanted the public to
23 understand this. Mr. Day said Yes. Mr. Cannuli approached the podium stating that there were
24 requirements from the Town staff to makes sure that what has been done brings this to DEC
25 standards. Mr. Day said there were things tested in 2006 that were not on the radar and currently
26 are, and they will all be updated.

1
2 Mr. Palladino returned to the podium asking, if there were well reports done in 2006, why was it
3 changed to go to Four Corners. His second question was reiterated, asking what the plan is if the
4 wells are not viable; what then, Mr. Cannuli came to the podium saying there are 2 things being
5 said. One, the proposal to use the well on the Montage site has not changed. Testing was done in
6 other locations and these 2 locations that were mentioned were tested and provide 150 gallons
7 per minute. Both wells in operation are over 200 gallons per minute of yield, at capacity. These
8 are 2 very high-quality bedrock wells. The quality of the water testing back then has changed
9 slightly; they do not believe, nor is it not known if there would be anything additional; if it is a
10 treatment, it would be a mitigation method at the onsite water treatment plant that would be put
11 in place. He reiterated that the Montage proposal has not changed, and the only difference is they
12 are being requested to tie its water supply into the Town's water system, to become a centralized
13 water system. Mr. Cannuli told Mr. Palladino that was his first comment, and he did not think it
14 was a question. Mr. Palladino said at one point it was supposed to be Four Corners. Mr. Bryant
15 said he believes that came a little later in the process and discussions. Mr. Palladino asked why it
16 switched from where it is going to be now, to Four Corners and back again; no one is answering
17 this. Mr. Cannuli wanted to put on the record that, and speaking to Mr. Bryant, said that even
18 during that discussion, they never abandoned the wells on Montage; they would be kept as a
19 secondary or a primary source and tie into a new well. Mr. Palladino again said his question was
20 not answered. Mr. Bryant told Mr. Palladino that the Health Department and DEC are going to be
21 required as a condition before these plans are signed by the Chair, that it has been satisfied and
22 demonstrated that they have enough water. He said the Town passed an ordinance recently that
23 said, as it is known from Four Corners, it is not enough for 1 well, but that there needs to be 2
24 redundant wells, which he said they have learned from. There is irrigation, and if it cannot be
25 demonstrated that they have enough water, then the project does not go forth and that is the
26 answer.

1
2 Mr. O'Rourke came to the podium saying that this will probably be adjourned to September 13th.
3 He said some of the things mentioned throughout was the concern about what would happen in
4 terms of erosion, stormwater management, construction and issues related to that. He said as was
5 pointed out by Mr. Eickman, there is an Environmental Monitor that is involved, and monitors
6 this construction which is the purpose of it. They are regulated by the Department of
7 Environmental Conservation and a lot of other organizations, all of which have the responsibility
8 of making sure they do not violate the law. There is no intention by this developer; they have
9 built many hundreds of homes all over. He said there is no intentions to violate the law and they
10 want to make sure this project is one that is successful. He said the money is not invested by
11 them to make it unsuccessful. Another point raised was in terms of pesticides and fertilizers, in
12 addition to the Environmental Monitoring and the regulations that are in place., there will also be
13 a Homeowners Association (HOA) and, as part of the HOA, there is a document, an Offering
14 Plan, which is approved by the New York State Attorney General's Office. He said what that
15 involves are regulations internal to the HOA as well. He has been involved in many projects and
16 he said that, oftentimes, many of them in sensitive areas such as this, will have a whole chapter
17 addressing the use of pesticides and other products within that subdivision. He said the
18 regulations are enforced and the people who spend \$600,000 or \$700,000 on homes, generally
19 speaking, abide by those regulations. This, he said, is another layer of enforcement that should be
20 brought to everyone's attention. Lastly, as far as the comments regarding Green Haven, he does
21 not think anyone knows exactly what is happening with Green Haven. His understanding is that
22 there may be a closure and the mention is about bus traffic. To be honest, he said he could not
23 respond to this as he does not know the answer. As far as the blasting of the neighbors, he said if
24 there is anything this developer wants, it is to get rid of any blasting or noise that is going to
25 impact his property value. In many other jurisdictions, he said there are regulations in terms of

1 blasting, decibel levels as far as noise and things of that nature, which he said he is sure is here as
2 well. If this is something that is violated, he said that is a Town enforcement issue as well.

3
4 Mr. O'Rourke respectfully requested that this be adjourned to the next session, which he knows
5 is their intention. With respect to the signs, he said signs were put up, and additional signs put
6 up; there were signs there earlier and they disappeared. They were told that it may have been the
7 DOT cutting the lawn, but they do not know. New signs were put up last week; Montage did not
8 remove the signs; somebody else removed them. He said there can't be a monitor out there
9 monitoring the signs, so they would want to respectfully like to announce tonight that this is
10 adjourned to September 13th; this is on the record and neighbors may come back. He would make
11 sure that, on their signs, it says September 13th on the big sign, and he said he does not know how
12 many other signs can be put up. So, September 13th, if that is the date, that is what they would
13 like to put on the sign and, hopefully, that will do it. Mr. Cannuli came to the podium saying they
14 agreed along with the Town staff, that the wording would be changed with 2 on each side, 4 x 6.
15 It will show the hearing date, without all the details and would now read the typical work. He
16 said small signs can be put up every day, but they disappear. He said the Board can decide but he
17 thinks the large sign and then the 2 on each side, with just the wording, date and time. He said
18 they would be mounted in the air, 4 x 6 and won't go anywhere. Mr. Eickman said it sounded
19 acceptable to him and asked the Board.

20
21 Mr. Bryant wanted to add that, in talking with Pete Setaro, who could not be present tonight,
22 there are still a lot of details to work through. He said there are the utilities, elevations, curvature
23 of the road, the geometry. He is of the opinion to not establish a date at this point, until more of
24 those details are worked through and he said he was just sharing with the Board the thoughts on
25 that.

1 Mr. O'Rourke said then there are comments that remain to be addressed. Mr. Bryant said if they
2 did have the meeting, there would be another situation where it would have to be adjourned
3 again. He said the comments could be addressed by the end of the month and they would like to
4 propose if they are allowed to do that, does this allow them to go with September 13th. Mr.
5 Bryant responded that it is up to the Board, and it would be on again next month if it is not
6 addressed. Mr. Eickman said, as long as they get it in on time and there is the opportunity for it
7 to be reviewed, and deemed complete, then this can proceed. Otherwise, it would be adjourned a
8 second time.

9
10 Mr. Eickman told Mr. O'Rourke that his proposal is that this be adjourned to the September 13th
11 meeting, and he responded that, perhaps, this would make it clear to everyone. He said that,
12 hopefully, they can get responses in, Mr. Setaro's office can take a look at it and it would move
13 forward; this is what they would like to do. They are hoping that can be done and then close the
14 Public Hearing.

15
16 **MOTION made by Richard Campbell, seconded by Ed Miyoshi, to adjourn the**
17 **Montage Subdivision Public Hearing to September 13, 2022. Voted and carried**
18 **unanimously.**
19

20 Ms. Beldsoe asked when the last time was that the school board was notified of this and the latest
21 improvements to the plans. Ms. Robbins said she could not recall, but thought she met with
22 Gayhead but it may have been about 4 years ago; it would have been Pre-Covid. She said they are
23 always on the distribution lists. Ms. Bledsoe questioned if they had provided comment. Ms.
24 Robbins said the number of houses has not changed and they have been aware of this for a long
25 time. She said there used to be a liaison that they met with and she will look back in her records
26 and will let Ms. Bledsoe who it is.

1 Mr. Eickman asked Mr. Cannuli if there was a study done that showed the impact on the schools,
2 number of students. He replied that a school impact analysis was done, and they met and
3 discussed this with the Wappinger School District with the different figures back then. He said
4 the study was Rutgers', with a certain number of school kids per house. Those numbers were run
5 and he said a more conservative estimate was used and provided back then during the process.
6 Ms. Robbins said, as far as the number of students the development would generate, she does not
7 think that is the question. The question is the internal school that these children are going to be
8 sent to is overcrowded currently. There would have to be some sort of internal redistricting to
9 have to happen and the school is aware of that overcrowding issue and number generated. Mr.
10 Cannuli said this has been over time and it could be 5 to 6 years before it is finished. He said it
11 won't be approved yet and that this another year or year and a half added on. He said this is
12 talking about from now, today, to almost 7 years from now, to complete the full build out. During
13 that time, he said there would be internal discussions with the school district; he does not know
14 how it works, but he said then they would absorb all 122 lots with .8 kid per house, all at once.
15 Ms. Bledsoe said she was bringing this up because the last time this was before any Board, the
16 school district had been redistricted, as far as elementary schools are concerned. She said there is
17 only one elementary school that all of these subdivisions are in and she is looking at this from a
18 comprehensive perspective. She said it is not just this, there are others, even further into
19 Stormville and development, which is great, but she wants conversation with the school district
20 about what their plan is to accommodate over the next 10 years, or whatever the case. She said it
21 is from the Board's perspective as far as a comprehensive look at Stormville, all the development
22 and demand from Stormville, particularly the elementary schools She reiterated that, the last time
23 this was brought up before any board, there has been redistricting of the elementary schools in
24 this district.

1 Mr. O'Rourke said there was a report that came out in Pattern For Progress, which is a 9 county,
2 in the lower Hudson Valley published think tank. He said he has been on the board for about 15
3 years and a report was published about 2 years ago, called "Out of Alignment". He said he would
4 send it to whomever, to Ms. Robbins. He said what was remarkable about it was, when the data
5 analysis is taken that was done, the aging population and the dramatic reduction in school
6 enrollment that is anticipated in Dutchess County is unbelievable. The mean age is going to
7 increase by about 15 years and he said the residents in Dutchess County, correspondingly, the
8 school district enrollments are dropping dramatically. He said that is why this is sort of an
9 aberration. Ms. Robbins said the problem is that the enrollment is reducing overall, but it is this
10 particular location. Stormville is very remote, compared to the rest of the Town and there is one
11 school that is in one proximity to all of these subdivisions. She said that school is getting all of
12 the enrollment. Mr. O'Rourke said he would send her the link and that it is very interesting
13 information. Mr. Arco said the school issue is a big issue, because it does not just impact this
14 area; it impacts other parts of the Town, where kids who lived a mile away from their school,
15 ended up getting bussed 10 miles away, to a different elementary school. He said they are losing
16 their friends and it is not just this area, it is the entire Town. When the public is here, he said
17 people from this area are seen, but that people from other areas should be here as well, from the
18 rest of the Town, as they have an input on this. He added that this will impact them if it infiltrates
19 the Gayhead school district.

20
21
22
23
24 ***PUBLIC HEARING:***

25
26 **Summit Woods, 1326 Route 52 (6656-00-045715)**

27
28 **Review of proposed 175 lot cluster subdivision plan located at 1326 Route 52.**

1 Andrew Gilchrist, Esq., Mark A. Day and Amy Bombardieri from Day & Stokosa Engineering
2 PC were present.

3
4 **MOTION made by Lori Gee, seconded by Craig Arco, to open the Public Hearing**
5 **for Summit Woods. Voted and carried unanimously.**
6

7
8 Mr. Day came to the podium, stating that Summit Woods is, obviously, the adjacent project to
9 Montage. He said he would ride on the coattails of what Mr. Cannuli has already presented this
10 evening, because he covered a lot of what will also affect the Summit Woods project. The big
11 difference is that there are 2 points of access for this project on Route 52 and he said the 2
12 projects, montage & Summit Woods, will be connected by both roadways and internal utilities.
13 He said this project started out 20 plus years ago where there was onsite water and sewer for both
14 projects. Over time, he said the DEC asked that they regionalize, meaning that the 2 subdivisions
15 be combined, which they did. He said he believes the Town had asked that they consider
16 connecting to the system in the Hamlet which later on developed into the Four Corners, which
17 has put them here today. The project includes approximately 175 lots, the roadways are basically
18 Town road layouts, and have pretty much remained unchanged from the beginning of this. He
19 said the same is true with the stormwater design; both subdivisions were designed with common
20 design methods and endless environmental studies were done for both projects, for all kinds of
21 endangered species. Crosswalks have been proposed for both projects that he said are thought to
22 be less of an impact to wildlife and anything else on the site. The DEC is fine and have endorsed
23 at this point. He said, as Mr. Bryant pointed out, both projects have been working towards
24 sharing utilities. There are revisions to be done and he said the presentation that Mr. Cannuli
25 made about the connection, which includes Summit Woods, and they do not know which will go
26 first. He said it has always been a question and there are cross-easements over both parcels that
27 allow each developer to start ahead of, or in unison with each other, in getting the end product,
28 which was already discussed.

1
2 Mr. Campbell asked how this would tie together with Stormville Airport project. He said he
3 knows there was something before the Board not long ago, with regards to the water. Mr. Bryant
4 responded that it doesn't.

5
6 Mr. Arco asked the number of acres being used for the 175 homes, out of the 325 acres total. Mr.
7 Day replied that he would have to go back to the document, but that he wanted to say it is about
8 1/3 of the development. It is based on actual development and the balance will remain as either a
9 Conservation Easement, or undeveloped. Mr. Arco said then it is about 100 acres. Ms.
10 Bombardieri read from her information that it is 197 open space and 20 acres of impervious.

11
12 Mr. Eickman asked if there was anyone present from the public with questions or comments for
13 the Summit Woods project.

14
15 Mr. Cunningham said this hearing would be adjourned as well, so if anyone from the public
16 thinks of questions, they do not have to speak this evening.

17
18 Mr. Eickman said, at this point it did not appear that anyone from the public had a question or
19 comment and that anyone could come back on September 13th, when this hearing is re-opened.

20
21 Mr. Gilchrist came to the podium, stating that he is the project attorney, and that Mr. Day and
22 Ms. Bombardieri did an excellent job discussing the project. He wanted to confirm a couple of
23 things. As with the Montage project, he said this project has gone through SEQR review, this
24 Board took an extensive amount of time and effort reviewing the SEQR and there is a long
25 history of Environmental Impact Review for both these projects. He said the Board did adopt
26 Findings, so there are Findings Statements for both projects on file. A number of the comments

1 heard and, presumably comments that could be raised for Summit Woods as well, are addressed
2 in the SEQR record, in the Findings which could certainly be identified and in response to the
3 public comments. He said they also request that the public hearing for Summit Wood be
4 adjourned and continued September 13th.

5
6 Mr. Gilchrist had a couple of comments, he said, just for the record. One is on the water supply,
7 and he said there were a number of questions with regard to impact on wells. Of course, the
8 Board, the Town staff, as well as the project consultants are aware, this will be required to go
9 through extensive regulatory review for compliance with public water supply requirement. He
10 said all the standards will have to be met if this is ultimately connected into a Town water supply.
11 All the required coordination between the applicants and the Town staff will need to be
12 addressed. He said, even if this Board were anticipating moving forward on the project itself, of
13 course there would be a condition that any issue associated with, not just the sewer, but public
14 water supply, would be subject to any final engineering review and comments and other
15 regulatory requirements before the plat can be stamped. He said he wants to make this clear in
16 the record. Regarding any issue concerning groundwater impacts, he said not only have they been
17 addressed, through onsite groundwater investigations, but they will need to comply with current
18 regulatory requirements. He said, as to the stormwater, there are clear concerns about that.
19 However, the State and, he is sure, as well as the Town stormwater program, requires that the
20 project does not result in any increased offsite runoff from pre-construction conditions. If there is
21 an existing flooding condition, it is an existing condition. What happens is that these projects,
22 Summit Woods and Montage, cannot increase the runoff to cause additional quantity of
23 stormwater. He said that is why these designs are generally to retain the water onsite, hold it, and
24 release it in a controlled fashion so that there is not an increase in quantity of stormwater runoff
25 at any one time. He said this is for the protection of offsite properties. The State program is not
26 just with quantity, but it is with quality, and he said the Stormwater Pollution Prevention Plan

1 (SWPPP) will address both issues of quantity and quality of offsite impacts. He said this is
2 applicable not just for post-construction but there will be erosion and sediment control
3 requirements during construction; not just the Town being onsite, but to monitor the stormwater
4 program, it requires the applicant and an onsite review engineer to submit to the municipality. He
5 said he believes this Town is a MS-4 municipality. He said reports will be submitted periodically
6 in compliance with, certainly, the State, and there are also Town requirements. The issue of
7 surface water runoff, stormwater runoff, is applicable both during construction activities and
8 during post-construction requirements. He said all of those need to be addressed by the applicants
9 for both projects and will be addressed, because State and local laws require this.

10
11 Mr. Gilchrist concluded, telling the Board he appreciated this and again requested for the Public
12 Hearing to be adjourned to September 13th. He then thanked the Board.

13
14 Ms. Gee asked for confirmation of the websites for the public and it was stated as
15 Summitwoods@eastfishkill.com.

16
17
18 Mr. Eickman confirmed that there were no other questions for the applicant.

19
20 **MOTION made by Richard Campbell, seconded by Lori Gee, to adjourn the Public**
21 **Hearing for Summit Woods to September 13, 2022. Voted and carried unanimously.**
22

1 Mr. Eickman confirmed that there was no further business to be brought before the Planning
2 Board this evening.

3
4
5
6
7 **ADJOURNMENT**
8

9
10 **MOTION made by Richard Campbell, seconded by Lori Gee, to adjourn the**
11 **Planning Board meeting. Voted and carried unanimously.**
12
13
14

15
16 **Respectfully submitted:**

17 _____
18 **Kathleen Mahodil, Meeting Secretary**
East Fishkill Planning Board